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Monterey Park Landfill - Legislative Hearing

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ASSEMBLY CALIFORNIA LEGISLATURE

MONTEREY PARK LANDFILL

LEGISLATIVE HEARING

APRIL 16, 1983

WILCOX ELEMENTARY SCHOOL



ASSEMBLYMAN CHARLES CALDERON

CHAIRMAN

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Assembly California Legislature

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CHARLES M. CALDERON
ASSEMBLYMAN, FIFTY NINTH DISTRICT

83-8-377

July 27, 1983

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Honorable Sally Tanner
Chairman, Assembly Committee on
Consumer Protection and Toxic Materials
State Capitol, Room 4146
Sacramento, California 95824

Honorable Terry Goggin
Chairman, Assembly Committee
on Natural Resources
State Capitol, Room 6005
Sacramento, California 95814

Dear Sally and Terry:

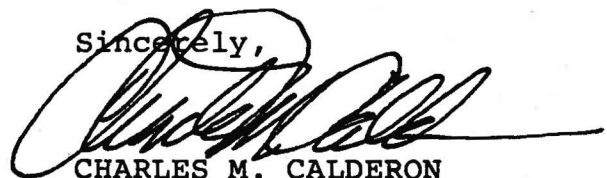
As the chairs of two Assembly committees with interest in this subject matter, I am forwarding to you transcripts of a legislative hearing I conducted in my district last April 16 regarding the Monterey Park Landfill.

This hearing raised serious concerns about the adequacy of monitoring and enforcement by public regulatory agencies which are charged with protecting the public from dangerous conditions at landfill sites such as that run by Operating Industries, Inc. in the Montebello-Monterey Park area.

Immediately following the conclusion of that hearing, tests conducted by the South Coast Air Quality Management District revealed increased levels of the toxic substance vinyl chloride at the site. A number of agencies, including the SCAQMD, the Solid Waste Management Board, the U.S. Environmental Protection Agency and the Monterey Park City Council are taking action or are considering steps to deal with this problem.

It is my hope that this transcript will be useful as we in the Legislature continue to address this growing concern.

Sincerely,



CHARLES M. CALDERON

CMC:jcw
Attachment

ASSEMBLY
CALIFORNIA LEGISLATURE

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APRIL 16, 1983
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ASSEMBLYMAN CHARLES CALDERON
CHAIRMAN

CHAIRMAN CHARLES CALDERON: The meeting is now called to order.

Good morning ladies and gentlemen. My name is Assemblyman Charles Calderon. With me are my secretary, Linda Ward, my Administrative Assistant, Marta Maestas, and Patricia Schifferle of the Assembly Office of Research who I have asked to join us for this hearing.

This hearing is convened pursuant to the Constitution of the State of California to address the problems in this community surrounding the Monterey Park Landfill. Recently, the public's concern has been heightened by press reports of contamination and pollution that threaten people throughout the nation. The problems besetting the U.S. Environmental Protection Agency have raised questions about the adequacy of government's enforcement of laws which exist to protect the public.

Now, we must keep in mind that any landfill, especially those existing in urban sites, present conflict caused by competing interests. On the one hand there's a need to effectively dispose of waste generated from our homes, businesses and industrial plants. However, on the other hand, there's a need to protect the health and safety of people who

live close to places where waste is stored.

I want to state at the outset, that I believe the first duty of government is to protect the lives and well-being of its citizens. No other concern is more important.

We will hear testimony from a number of residents who have experiences to relate. We will hear from the public regulatory agencies which are responsible for monitoring the dump and enforcing the laws and regulations which govern the Monterey Park Landfill. We also hope to hear from representatives of the landfill operator.

The problems of landfill sites such as ours are complex. There are few simple answers. Some of the issues that we hope to focus on today will include: What are the laws regulating landfills and which agencies enforce those laws? How do the agencies interact and how do you get the agencies to act when problems develop? Also, how can the agencies act to prevent problems before they get out of hand? What technologies are available to deal with the problems with respect to the landfill, and those problems voiced by the people who testify today and by people who have in other forums testified about their problems? In particular, what are the technologies available to control the smell and the migrating gas that exist in connection with the Monterey Park Landfill. How do we know if there are other problems related to the landfill--other health problems that have surfaced at similar dumps in Los Angeles County? Finally, we want to

examine the abatement order which has recently been adopted in connection with the operation of this landfill. Specifically, is it adequate to meet the problems associated with the landfill? And how do we ensure proper enforcement and monitoring of the order?

Now, I don't pretend to be an expert with respect to landfills, however, I've devoted a considerable amount of time to learning some of the technical factors surrounding landfills and their operation, but I think that we can learn today together about landfills because they are a growing problem in the State of California. We can learn together about the problems associated with this landfill and we can work together to develop a resolution of problems.

I'd like to make one final comment as to the format: The witnesses will be introduced and asked to state their names and residences as well as any organizations they belong to. They will be permitted to make any brief opening remarks that they wish and then questions will be directed by me to the various witnesses where appropriate. I want to draw your attention to these gentlemen sitting to my left and to your right. They are members of the Assembly Sergeant-at-Arms. They are recording this hearing and there will be a transcript that will follow. Anyone that is interested can contact my office. It is particularly important for you to speak clearly and directly into the microphone which is provided so that your comments can be recorded and entered into the transcript

that results from this hearing. Also it is important that you state your name and identify yourself so that you can be identified later for the purposes of the transcript. Since we have a considerable number of people who have requested to testify today and because I don't want to abridge or hinder your efforts to tell about the problems that you have experienced, I want to emphasize the fact that we do have a lot of individuals that wish to testify and we'd like to have the comments as brief and as succinct and to the point as possible.

Now, after all these scheduled witnesses have testified, and time permitting, I will attempt to allow some rebuttal testimony directed towards picking up on issues that may have been raised in connection with earlier testimony.

Finally, I want to stress that everyone who testifies today has the unqualified right to present their views whether or not we agree or disagree and I want you to show the courtesy to each and every individual that speaks because it is only through this open discussion and through the questions that will follow that we'll be able to understand the problem and develop solutions. I think that you would agree this is the appropriate way to proceed.

So, without any further comments, let me call upon our first witness on the agenda, and that is, the representatives from the HELP Committee. Are those individuals here? Now, all questions will be directed through me so that if you

have a question that you wish to have asked, write it down on a piece of paper and give it to my secretary, Linda Ward, and I will examine the question to see if it's repetitive, to see if it's productive and also to see if we have enough time to be able to ask all the questions that are being generated. The rebuttal time is what I made reference to before that will be used for this purpose. Okay, would you please state your name and residence for the record, sir?

MR. HENRY YOSHITAKE: My name is Henry Yoshitake, 1001 Yorktown Avenue, Montebello. I'm the Chairman of the Montebello/Monterey Park HELP Committee. HELP spelled H-E-L-P is an acronym for Homeowners to Eliminate Landfill Problems, now numbering over 460 families, some 2,500 residents as paid members. On behalf of HELP, I would like to thank you, Assemblyman Charles Calderon, for taking time from your busy schedule to hold this public forum. We have here a situation where dumps situated in Monterey Park, licensed to operate by Monterey Park, regulated by a maze of agencies, emits odors and creates conditions which we, the residents living within a mile of the dump, find intolerable.

Today, as you listen to some of these residents, I also ask that you listen to the people that are not speaking but who are also begging for relief. Only when your child comes running indoors crying because of the sickening smell; only when your child tells you that they were evacuated back into their classrooms at school, only when your house shakes

at 6:00 in the morning by the movement of giant earthmovers, only when the screams of pigeons, seagulls and bird droppings drives your wife up the wall, only when you don't dare leave windows open in the evenings no matter how warm, only when, on windy days, trash and dust covers your home, only when you have to call the paramedics for oxygen, only when the light, the fireplace and the hearth area also burns, only when the fireman tells you to ventilate your house because there's more gas indoors than outdoors, only when you are forced to change your lifestyle; then and only then can you start to know what people living in this area must go through.

For the past three years the HELP Committee expressed its concerns with the City Council and their staffs, the Monterey Park City Council and their staffs, the South Coast Air Quality Management Board, the County Health Services Department, the County Sanitation Department, the State Solid Waste Management Board, the State Hazardous Waste Management Council, the Regional Water Quality Control Board, County Supervisor Edleman, Getty Synthetics Fuels, Operating Industries, Incorporated, and also with you, Mr. Calderon, our representative in Sacramento.

We have written letters, made phone calls, held meetings many times until 1:00 a.m., researched volumes of records, codes, tape recordings and notes, all for the whole purpose of arming ourselves with information and knowledge so as to be able to sit down with the experts and to rationally

focus our attention on the number one priority--the health, both mental and physical, and safety of ourselves and our children. The HELP Committee has come to the conclusion that the Operating Industries Landfill is uncontrollable and as such should be closed. On closure, we could pile a cap of dirt on top for noise, dust, trash thrown into yards, bird droppings, garbage dropped by birds, and odors created by the daily dumping were stopped. On closure, men and equipment can go on and (INAUDIBLE) control, and drainage systems to stop leaking and odors associated with it which is caused by the dumping of liquid waste and rainwater into an already saturated dump. On closure, Getty Synthetic Fuels can go in to increase the volume of gas recovery without the worry of trash moving and other heavy equipment damaging piping which has continually happened in the past. Closure with the necessary work involved can only help to negate problems that affect us so much. The gentlemen who sat on the hearing board of the South Coast Air Quality Board clued me after the recent abatement hearings that keeping our fingers and toes crossed, hoping that the abatement order works. Mr. Calderon, we can no longer afford to sit back, wait and hope. People have been doing that for over twenty years. We ask that no more experimenting on hit-and-miss procedures occur. Either positive results are displayed within weeks, or we ask for an immediate closure of this blight for the whole communities of Montebello and Monterey Park. Thank you again.

CHAIRMAN CALDERON: Mr. Yoshitake, for the record, would you identify the nature of the organization that you are representing?

MR. YOSHITAKE: We are just a group of homeowners that live surrounding the dump itself. We cover areas, areas north of Lincoln, west of Montebello Boulevard, East of Wilcox, and south of the freeway. We do have members in Monterey Park, we do have members living farther away that have been affected by the odors and have asked to join up with us.

CHAIRMAN CALDERON: How long has your group been in existence?

MR. YOSHITAKE: We first met, I would say, probably around November or December of 1980.

CHAIRMAN CALDERON: Did you become active at that time?

MR. YOSHITAKE: Active with the homeowners or against the dump?

CHAIRMAN CALDERON: With the HELP organization.

MR. YOSHITAKE: With the HELP organization in December of 1980.

CHAIRMAN CALDERON: Since then, what kind of contacts have you had, if any, with local or state agencies in connection with problems that you experience at the dump?

MR. YOSHITAKE: Well, like I mentioned, we contacted just about every agency imaginable.

CHAIRMAN CALDERON: Can you identify some of those that you recall?

MR. YOSHITAKE: Well, would you like me to mention the names again? I did mention in my...

CHAIRMAN CALDERON: Have you spoken since 1980 in connection with problems that you experience not only as the homeowner who lives in the proximity of the dump, but as a representative of the HELP Committee? Have you had any contact with the L.A. County Department of Health?

MR. YOSHITAKE: Yes we have.

CHAIRMAN CALDERON: Have you had any contact with representatives of the Solid Waste Management Board?

MR. YOSHITAKE: I don't know if it was a representative, but there was a Board down here from Sacramento and we were invited and we did testify and we did sit down with the Board.

CHAIRMAN CALDERON: How about the South Coast Air Quality Management Board?

MR. YOSHITAKE: Yes.

CHAIRMAN CALDERON: What about the--what other agencies?

MR. YOSHITAKE: The City of Monterey Park City Council and their staffs who are the license agency for the dump itself.

CHAIRMAN CALDERON: Alright. How about the Regional Water Quality Board? Have you had any...

MR. YOSHITAKE: Yes, we have.

CHAIRMAN CALDERON: In connection with your contacts with those state agencies and/or local agencies, what kind of response have you received, if any?

MR. YOSHITAKE: One thing that we have learned, in fact, I wanted to present as my comments that we had is that:

Number one, all the agencies are only looking out for themselves. They do not know what the other agencies are doing.

CHAIRMAN CALDERON: Okay. Have the agencies--I realize that you have opinions about the way the agencies have responded, but what I am interested in determining is whether or not they have responded. Have they been responsive?

MR. YOSHITAKE: The only agency that has responded, in my opinion, to our case is South Coast Air Quality Management Board. The other agencies--this agency tells us what they are doing and we tell them about certain areas of concern that we have and they say that is not our area, you have to talk to so and so. We tell them what about this circumstance or you will have to talk to someone about that. Like I said, many of these agencies that are involved here are very difficult getting to them.

CHAIRMAN CALDERON: I have no more questions, Mr. Yoshitake. Thank you very much for being here.

(APPLAUSE) Mrs. Grace Brown. Excuse me. Did you want to-- was there also a further presentation of HELP?

MR. ART RANGEL: Yes, Mr. Calderon. My name is Art Rangel. I am also with the HELP organization and there was a second phase of our presentation that I wanted to present. The slide show and the brackets, a brief illustration of what the problem is. So, if I may, I would like to proceed with that.

CHAIRMAN CALDERON: How long would you estimate this would take?

MR. RANGEL: Probably ten minutes at most.

CHAIRMAN CALDERON: Alright, if you would please be as brief and as to the point as possible. You want the lights on? The lights off? Okay, they are off now. May we have quiet in here please?

MR. RANGEL: If you are coming east-bound on the Pomona Freeway from Los Angeles, this is the site that would be greeting you, in front of you, just a huge structure. This is a mountain of trash. The highest point in the area as seen by the passersby--approximately 180,000 cars drive this section of the freeway on a daily basis. It is not uncommon at this point to see individuals in these cars begin to roll up their windows preparing themselves for the stench that is to follow. West-bound on the same Pomona Freeway is the sight that you see here. It is a mountain of trash that gets chewed up in the landscape. This is the dumpsite as seen from the north side for the City of Monterey Park. You'll notice that there are houses on the right; those houses are in the city of

Montebello. Herein lies part of the problem, is that we have a dump in our jurisdiction, City of Montebello. This is a shot taken from Howard Avenue in Montebello which is south of the dump. You'll notice that there's some lush green shrubbery on the right hand side here. That is the rear yards of very expensive houses. It's this side that these people see on a basis as a constant reminder of where the odors and the stench come from.

This shot was taken from the intersection of Montebello Boulevard in Whittier about a mile and a half away from the dump. You can see up on top, some of the trucks that are dumping their daily goods on top of the landfill. The thing is so massive--the only thing that supercedes is the San Gabriel Mountains in the background. On this particular day, we're preparing for a parade and you can see the dump overshadows all activity in the community. This is a site that's used from one of the adjacent residential areas. It's common, something that we see on a daily basis. The thing that's interesting about this is you have to wonder why it is that the agencies who have control over this, are not required that they be on top of this thing to mitigate the visual and noise impacts that the daily operation brings forth. Let me go back here, I just want to show that--you notice that there's a truck, that's a liquid waste truck--I have no idea what it's doing down on that level of the dump site. Even after the dump is closed to daily operations, it lingers there

as a constant reminder that it's about to belch out its odorous fumes unto us -- our properties and our families come evening.

This shot was taken from a nearby high school within a quarter of a mile away. The picture was taken from the athletic field. On various occasions the school has had to curtail its physical activities because of the stench that comes from the dump site. Trash is a common sight on this--litter rather--the trash is a common sight on this dump site and that litter perpetuates about the fact that the slopes on which it lies are barren or void of any landscape where there has been landscape, and that landscape tends to die. This exposed pipe that you see here has been that way for well over a year. I mentioned earlier the dying landscape and this is a common sight on the dump site. Don't get confused here, but the greenery that you see in the foreground is from the residential property; it's not on the dump site. Again you've got the dying trees and shrubbery, and it can come from one of two sources--a lack of watering and/or the gases that come up through the slope.

You'll notice the fence line there. That fence line is only the division seen as residential property to dump site, but it's also the division between Monterey Park, which is where the dump is located, and the City of Montebello, which is where the houses are located. As I was taking this picture I noticed its liquid chemical waste truck up there.

The driver saw me taking pictures and quickly moved; don't have any idea what he was doing. Speaking of liquid waste, this is an overhead view of the dump site. You'll notice on the lower, I think the left hand corner, a liquid waste truck leaving the scene of its dump adding to the pool of liquid waste that's atop the dump. Also, you'll see all the other trucks that are there.

This is, of course, what they call the daily operation and this is what is commonly referred to as working space. You'll also see on the upper left hand corner some of the residences in Montebello. This shot--our light is not too well but it's another overhead taken north--looking north. Above you'll see the Pomona freeway going east and west, and diagonally across the screen and then it's usually an indication of just how close the houses are to the problem. Here we have some slope erosion from rain. These rains come down off the dump site and overflow into the residential properties in Montebello. It brings with it mud, rocks, and trash. Again, here we have some cascading waterfalls coming down off the dump site. Virtually there's waterfalls coming down and again going offsite unto someone else's property. Some of the people here have just decided they just can't tolerate the falls anymore and they've left. The community is very unfortunate that it's lost a lot of very good people because of this dump site, but we have a lot of good people that remain. Lots of good people have decided they're going

to stay back and fight for their properties, fight for the right to clean air and a healthy environment.

It's not to the point where we'd demand that there be a termination of liquid waste which may very well be hazardous to our health in coming years. We demand that there be an immediate exposure to this dump site, and that it happen now so we can get on with the program to eliminate the problems that we have, and our shouts are beginning to be heard, with more and more agencies involved in this thing. Here you see two City of Montebello Councilmen--Mr. Molinari and Mr. Nighswonger giving Supervisor Edleman a tour as a preview of the dump site. At this point, they're in a park adjacent to the dump where we have found leachate--and a little later I'll describe that -- rapidly show you what leachate is, leachate coming up from the dump into the park site.

Another problem with this is the methane gases that are produced by the dump site. This methane gas not only goes into the park area--we're taking methane readings there -- but also into some of the houses that were mentioned earlier. We all are part of this 180,000 people that drive this freeway every day. Right about this time that we look and we're just about home and there's that constant reminder that okay, we're coming home for more and more problems, and we have to wonder how much longer is it going to be before someone takes a decisive action and rids us once and for all of all these

problems. There is one other quick thing that I want to do. I said that the terms are going to come up a lot today, terms like leachate, terms like methane migration and things of this nature.

CHAIRMAN CALDERON: Mr. Rangel, what is your background, just for the record? What is your current occupation?

MR. RANGEL: I'm a city planner currently.

CHAIRMAN CALDERON: And what are the responsibilities involved?

MR. RANGEL: The responsibilities--well I...

CHAIRMAN CALDERON: What city do you work for?

MR. RANGEL: Well, I'm not here representing the city, I'm here as a homeowner.

CHAIRMAN CALDERON: What are your responsibilities as a city planner?

MR. RANGEL: Currently I'm doing advanced planning, things like general plan amendments--things of that nature.

CHAIRMAN CALDERON: Okay, what I want to do is to bring up three witnesses for brief testimony. Then I'd like to bring up the state agencies. Okay, today I'm sure you'll be hearing a variety of terms that are probably very unfamiliar to a lot of people, and all this is the basic graphic illustration of this dump site. It's just here to help explain some of the terms of what we're going to be hearing later. What we have--now did I tell you this diagram that you're going to refer to is not to scale?

MR. RANGEL: No, it's not necessarily to scale. In fact it's fairly (INAUDIBLE) what this dump site is. You'll see at the bottom there is a dash line that says a natural terrain. What typically--that's pretty common in any landfill, you have trash that's put into these natural areas.

CHAIRMAN CALDERON: Indicating the base of depiction of a mountain which represent the dumps.

MR. RANGEL: Right. What we have here is, you dump on a daily basis into this and what many landfills do is they'll stop right about the natural terrain, well in this case, right about where the houses are and where the freeway is located. That makes a landfill much easier to manage--you think you could do many more things with it, but what's happened in this case is that this landfill went way beyond that, it sort of built into a pyramid and you just put in trash and mix it with dirt and it just keeps getting higher and higher and higher. What happens in this case, of course, is the trash will decompose and in decomposition, it produces methane gas and you'll hear the term today about methane migration showing there. What happens is methane gases will migrate or go underground and, in this case, it has come out in some of the houses. We've had readings from houses that have reached the lower limit of explosive level. Now, you'll also hear, of course, today we're all concerned about what causes the odors. Well, one of the things that causes the odors is the emissions of these methane gases into the

atmosphere.

Now methane is an odorless gas, but it brings with it a contaminant that causes the odors. And who knows what else it brings with it? Possibly some other things that may be hazardous to our health. What we see is that the emissions of the odors and gases go up into the atmosphere because some of these are so thinly layers of soil.

Liquid wastes are also dumped into a landfill. This landfill has seen quite a bit of it. And that helps speed up the methane gas generation, but it also sometimes reaches a point in the landfill of impenetrable soil and it will find its way out into the atmosphere and you'll see that's what we call leachate. All it is, is liquids that go...that are in the landfill and come out and, of course, they've gone through the trash and bring a lot of contaminants with it.

Another problem with the odors is the daily dumping operation that takes place. We don't think that's real significant. The stench is terrible now. Relative, it would be bad if we were to clean up some of the--clean up some of the migrating gases. You would find that the dumping operation would be very odorous also. But, fortunately, how everything else smells is not that bad on this landfill. But if you stop that daily dumping, then you can get on with the operation of cleaning this thing up once and for all. One thing that we showed, up on top of the landfill there's a

membrane that Getty Synthetics has put in to capture some of the gas and you'll notice in the lower righthand corner of the diagram, according to the experts, it's about 12 million cubic feet of methane gas that is generated on a daily basis.

CHAIRMAN CALDERON: According to what experts?

MR. RANGEL: The testimony by some of the people at the South Coast hearings. About 4.5 million cubic feet of that gas is recovered by Getty on a daily basis. That means that 7.5 million, approximately--7.5 million cubic feet of gases are still there and allowed to escape into the atmosphere. That's basically all I have.

CHAIRMAN CALDERON: Thank you very much. I have no further questions. (APPLAUSE)

I'd like to call a few witnesses to testify who indicated they wanted to testify now and then I would like to call upon the state agencies.

Is Ms. Gracia Brown here?

MS. GRACIA BROWN: My name is Gracia Brown, I live at 832 North 21st Street in Montebello. It's right across the street from Schurr High School.

I'd like to speak on behalf of the residents in our area, but mainly for myself. I think the dump odor is noxious, nauseating and not necessary. The concern that I have is that I am a local resident and I'm an original owner. We've done many improvements to our home. We have four children, and these children are attending school right close

by. I have athletes who are performing every day after school in that odor. I have children who are attending school there and I'm very concerned about the quality of air they are breathing. My second concern is, I'm not able to have full usage of my home because the odor is so bad we have to come inside and lock up all the doors. We have a wonderful home with a wonderful breeze and we never had to put in air conditioning. But on some nights you have to come inside and lock up tight. And if you don't, I have been awakened in the middle of the night with this awful headache and smell and burning sensation in my nose. I have to close all the windows and not even putting perfume in the crook of my arm to get the smell out will make it change. And I can't sleep.

Also, I have had a concern about when friends from out of state come or my sister-in-law in particular. My brother forgot to shut the windows and she woke up the next morning and vomited. I have a parent who is suffering from emphysema. He has a very difficult time breathing in the house and because of these things I am really concerned. As a teacher in the Unified School District of Montebello, last year when there was a toxic spill in the Whittier-Downey area, the children at the school were told to maintain and become stationary inside their classroom situation. And it brought to a head how really dangerous the situation could be when we really don't know what is underneath all that stuff that's being dumped. And that really brought to mind as a person who

is being responsible for the children who are going to suffer because of the odor, and someone, of course, will be responsible for my children if that ever occurred here. But is this really necessary? And that's all I have to say.

CHAIRMAN CALDERON: Thank you very much. (APPLAUSE).

MS. NORMA REID: Good morning Mr. Calderon and staff. My name is Norma Lopez Reid. I reside at 1011 Iguala Street in Montebello. That's in the Strathmore area. First of all I would like to thank you briefly for conducting this hearing and for giving us the opportunity to express our problems and concerns about the dump. There are many things that I could say in the way the dump has affected the lives of my family members, but mainly today I'd like to focus on two major issues.

The first one is the enjoyment of property ownership. Or I really should say lack of, because first of all, since we moved in, in 1978, the odor has just worsened. It's just a matter of what the weather is like or which way the wind is blowing as to how bad it really is. We cannot go outside, we cannot enjoy barbecuing in our backyard with our friends. Our social life has become completely squelched. It's too embarrassing to invite people over and have them become nauseous. Also, I have a six year old son who cannot go outside and enjoy his bicycle or his swings because it's just unbearable as far as the smell. My husband tried to do some jogging in the Minipark near our home and came back after

a few minutes, nauseated and with a headache. Even indoors, the odors can be detected and with the windows and doors completely shut tight, it's still a problem. During the summertime, it's unbearable. The air - you just can't get any kind of ventilation because we cannot open the windows.

And the second issue that I'd like to address today is health. This is, of course, of greater importance and concerns us much more. First of all, I have never been one to have allergies or even suffer from headaches, and since I've moved and recently more so, I have developed an allergy and I suffer from headaches considerably. But a far greater concern to me is my six year old son who is in kindergarten at La Merced. He has developed a nasal allergy and his pediatrician has given him some medication for this allergy but then the medication has a side effect which makes him drowsy. Now this is an added problem because it would add to maybe lack of safety in the playground and not to mention the fact that kindergarteners don't have a very long attention span as it is. But when you're drowsy on medication, his learning is obviously being affected.

In summary, I'd like to say that we're being robbed of the ability to live normal, healthy lives, so we really feel we need this long overdue. Thank you.

MR. JOHN COOK: I'm John B. Cook, my address is, 1742 Mountain Terrace, Montebello. The school district address is, 123 South Montebello Boulevard.

I appreciate the opportunity of being here today and telling you something of the difficulties as I see them, as does the Board of Education and the effect of the noxious odors from the dump on the educational process of children in the district.

I would indicate to you that the Board of Education in 1981, (INAUDIBLE) wrote a resolution which they in turn unanimously agreed to, in which they asked the County Health Department to come to Montebello to investigate the possible health effects of the odors on our children. If I may, I'd like to read the resolution because it was brief and I think it sums up the point of view of the Board of Education on this matter:

Whereas, the Monterey Park Landfill Dump is located within the geographical boundaries of the Montebello Unified School District; and

Whereas, the Monterey Park City Council has contracted for the Operating Industries, Incorporated, to operate this landfill dump, and

Whereas, offensive odors from the dump have increased in both intensity and frequency during this past year, and

Whereas, the volume of complaints from students and staff at schools in the City of Montebello and Monterey Park have increased as the obnoxious odors have become more widespread, and

Whereas, the obnoxious odors directly and seriously impact the learning environment of the students during the school day, and

Whereas, the physical well-being of children may be affected by breathing this gas, and

Whereas, the obnoxiousness of this has now reached intolerable limits, so as to impinge on the effectiveness of the educational program of the Montebello Unified School District;

Now, therefore, Be It Resolved, that the Board of Education of the Montebello Unified School District go on record as strongly opposing the continued emissions of obnoxious odors from the Monterey Park Landfill Dump. And the Board of Education requests that the Los Angeles County Health Department investigate the effect that these odors have on the physical and emotional well-being of children. And that the Board of Education petition responsible public and private officials to take immediate and necessary steps to remedy emissions odors from the Monterey Park Landfill Dump.

I point out, Assemblyman Calderon, that this was done on March 5th, 1981. A letter was subsequently sent to Mr. Robert White, the Director of the Los Angeles Health Services Department, asking that the Health Department, in fact, send investigators to do as the Board requested. Within two months, two investigators from the L.A. County Health Department did come to the school district and the District

Board Leader of Health Services and I took them on tour of the nearby school and the dump itself. It's my understanding, after approximately four hours in the district, that they went back and went through the procedure that they need to go through to determine whether a widespread investigation would take place. And again it's my understanding, that after looking into it, they felt the results of such an investigation would be so minimal as to not justify the cost of having the investigation.

As part of the evaluation as to whether or not the dumps are actually or the odors are actually hurting the children, we contacted the principals and the school nurses at the schools nearby the dump and we determined both the City of Monterey Park and the City of Montebello - we asked if in the last semester, the last few months, if there had been any children who had been sent to the nurse's office or to the principal's office complaining of illness because of the odors. We had eight schools indicate that they have had at least one child sent. One difficulty we have is that we are not medical doctors, and it's difficult to prove that because the child was ill and it was a day when we had particularly a great amount of odors, that that was actually the cause.

As a resident of Montebello, I want personally to state, I've been living here now a little over seven years. I live in the Mountain View Terrace condominiums, which are north of the freeway and on the downside of the hill. We

cannot see the dump from where we live. But I can personally attest that the odors in that seven year period have increased substantially and we do smell the dump much more now this year than we have when we first moved into the area.

The testimony you heard previously about the nauseating odor is certainly true and anyone who lives in this area when you drive on Montebello Boulevard north and anything north of Lincoln Boulevard, the odor is extremely bad. While I cannot prove that these odors have a horrendous effect on the learning abilities of the children, I think it is logical that because of the complaints that have been heard, both from parents and from students, that they cannot help and very probably are a detriment to learning ability. I'd be glad to answer any questions that you may have.

CHAIRMAN CALDERON: When the health investigators that you referred to previously in your testimony appeared in the district, was it a day of the district's choosing or a day of the county's choosing?

MR. COOK: No, they made the arrangements several days ahead of time and wouldn't you know it was a beautiful day with the odors practically non-existent, even to the edge of the dump. However, I must say that one of the two investigators indicated that he lived in the east side of the County and he said, "I know how badly it smells. I drive by the freeway practically every day."

CHAIRMAN CALDERON: Was it your recommendation to

the Board that they notify the County Health Department with respect to the effects of the dump on the students in the schools surrounding that landfill area?

MR. COOK: The Board became particularly aware of the problem mainly due to testimony from parents in the community and from the student board members. The Board of Education has high school students sitting at the Board and they in turn brought this to the Board's attention. As a result of that, if my memory is correct, they directed me to contact the County Health Department and see if they, in fact, would do some investigating.

CHAIRMAN CALDERON: In reporting back to the district, did the County Health Department, other than concluding that nothing would develop, did they give any basis that you could determine that would support their conclusion that there was no benefit that could be derived through any kind of full scale investigation with respect to the odors and effects on the children?

MR. COOK: The County Health Department did not report back with history. I called the County Health Department to determine what had happened and was told they couldn't put any people (INAUDIBLE) that. Upon investigation, they did not feel the benefits would justify the costs of such a widespread investigation.

CHAIRMAN CALDERON: Now, aside from the time that the two county officials came to the district, were you aware

of their being in the district at any other time, investigating the problems or the issues raised by the Board?

MR. COOK: If they were, I was unaware of it.

CHAIRMAN CALDERON: I have no other questions.

Thank you, Mr. Cook for taking your time. (APPLAUSE)

I would like to move now to take testimony from various state agencies as--at least in one--I have been requested to take one of the witnesses out of order with respect to the South Coast Air Quality Management District. And so, at this time, I would like to call upon Mr. Edward Camarena to testify.

MR. EDWARD CAMARENA: Thank you, Assemblyman Calderon. For the record, my name is Edward Camarena. I'm the Director of Enforcement for the South Coast Air Quality Management District.

On behalf of the District Board and its Chairman, Dr. Heinsheimer and our Executive Officer, I would like to thank you for this opportunity to come before this group and explain our involvement and the efforts that are being made by not only ourselves, but a number of other regulatory agencies to solve this problem at the earliest possible date.

One of the questions that you indicated that you would be interested in, is what are the authorities of the various agencies serving a four county area including Los Angeles County, Orange County, Riverside County and San Bernardino County? We are not a state agency, we are a

regional agency. Our governing board is composed of elected officials representing the cities and counties of the areas we serve.

We are responsible for and have the authority under the state law of controlling emissions from non-vehicular sources. This means we are responsible for emissions for such things as: refineries, power plants, steel mills, on the one extreme, to such small operations as dry cleaners and service stations. Our responsibility also extends to such things as landfills. With respect to landfills, there is - we are responsible for enforcing a section of the Health and Safety Code, which prohibits public nuisances, whether they be aesthetic nuisances or nuisances which endanger public health. Our tools given to us by the State Legislature involve the issuance of violation notices. Whenever a violation of any of our district regulations or any applicable section of the Health and Safety Code has been violated, we can prosecute these either civilly or criminally. For each day of violation the maximum penalty under state law is \$1,000. Normally, this is sufficient to address a pollution problem. For those situations that are aggravated, chronic, or were for some other reason that is insufficient, the Legislature has given us additional weapons in our fight against air pollution.

One of these is injunctive remedy; the other is the abatement order. The abatement order is a very useful tool

that can provide additional controls and requirements and conditions above and beyond those which are included in the district's regulations or the state Health and Safety Code. A violation of an abatement order can bring a penalty of up to \$6,000 a day. So it is a very useful, very powerful tool.

The District, last year, recognizing that the landfill problem in Monterey Park was one where a number of regulatory agencies were involved, made an effort to contact the various agencies who have some jurisdiction or authority for controlling some aspect of the landfill operation. We met with the representatives of the City of Monterey Park, and after a number of meetings it was concluded that after reviewing all of the possible approaches to taking care of the problem, it was concluded that the District's abatement order provided the most effective tool. We then began in December of 1982 to put our heads together. We had our technical people, our engineers, our chemists, our scientist, meet with the technical people of the Los Angeles County Department of Health Services, the Regional Water Quality Control Board, the City of Monterey Park. We had input from the health group, some very useful input from the City of Montebello and others. After many, many meetings some of which went well into the evening, we had in my view a tool, an agreement, a set of conditions which Operating Industries agreed that they would abide by and which we then proceeded to send to our hearing board, who is authorized under state law to adopt an

abatement order, and this was a stipulation for an abatement order, that all of the parties agreed to.

The hearings lasted from March 3rd of this year to the 7th of April. There were six days of hearings. Several of the hearings were held in the council chambers of the City of Monterey Park in the evening, which is an unusual circumstance, since our hearing board normally meets in El Monte at 10 o'clock in the morning. The purpose of this was to provide the citizens of Monterey Park and Montebello as much opportunity as possible to present their views, to give us testimony and any evidence they had on the matter. On the 7th of April, our district hearing board adopted an abatement order that sets forth a number of conditions to bring about, in our view, as prompt a reduction of the emissions from the landfill as possible.

I would like to take a few moments to review some of the more significant points of that abatement order. May we have the slides please?

CHAIRMAN CALDERON: Before that, I think I'd like to ask you a couple of questions. I recognize that there has been a stipulated order of abatement with respect to the Monterey Park Landfill. I also understand that there are conditions in that abatement order which address themselves to some extent, depending on perspective to the migrating gas problem, the leachate problem and the odor problem as well as addressing itself to closure of the landfill in 1984. And I

want to get into the terms and conditions of that abatement order. But I want to ask some questions before we move into the area, because I think it would be pertinent in terms of discussing those provisions.

First of all, you indicated that there were several public hearings in connection with the adoption of the stipulated abatement order, wherein members of the committee were provided an opportunity to address the Board, to explain their concerns and provide any evidence that might support provisions of the final order. Am I correct?

MR. CAMARENA: That is correct.

CHAIRMAN CALDERON: Based on the testimony that you received from the community, what is in the abatement order that reflects their input? (APPLAUSE)

MR. CAMARENA: I think we first have to understand that the abatement order is a composite of input from many, many resources. Certainly, we did consider the recommendations of the HELP Committee, but the technical aspects I think we were most concerned with the evidence, the considerations of our technical experts, not only from our district, but those of the other agencies responsible for regulating one aspect or another for landfill.

I'm not prepared at this time to address individually each of the concerns that the HELP Committee had. I don't know if any member of my staff might be able to do that.

CHAIRMAN CALDERON: Well, let me rephrase that

question. Maybe it was in terms of the presentation of that question. It was not entirely fair. Let me ask it in different terms. Prior to any hearing, there was a draft abatement order, is that correct?

MR. CAMARENA: That is correct.

CHAIRMAN CALDERON: Then in connection with that draft abatement order, there was conducted a number of hearings, is that correct?

MR. CAMARENA: No, no, no. The parties signed a stipulation and only after we had agreement from the regulatory agencies, the City of Montebello and Operating Industries, did we and the Operating Industries sign the stipulation. The signatures are only Operating Industries and the district, but it was done only after we had agreement from the other agencies.

CHAIRMAN CALDERON: But there was a working draft of the abatement order that was available to members of the community as well as others, and in fact, was referred to during the hearings that you have referred to previously?

MR. CAMARENA: That is correct.

CHAIRMAN CALDERON: Now, can you do this--in what ways did the final order differ from the original draft that was prepared prior to the hearing?

MR. ALLEN L. DANZIG: Al Danzig, South Coast Air Quality Management District. Basically, the order for abatement issued by the hearing Board of the Air Quality

Management District differed in the time constraints. The hearing board reduced some of the time all allowances for the installation of the leachate control system, the gas collection control systems, and there were some minor changes in operating hours. Other than that, the stipulated orders that the people from Operating Industries and the District, there was very little difference.

MR. CAMARENA: I have, Assemblyman, a list of about 20 points that has been provided by my staff which I will leave a copy with you which itemizes the concerns of the HELP Committee and indicates the District's position on each of those points showing how either that concern was addressed by some other aspect of the abatement order or why it was not appropriate or feasible to do that consideration.

CHAIRMAN CALDERON: And there is a draft at this point? So, in other words, it is a digest of sorts explaining how the terms and conditions of abatement orders came to be?

MR. CAMARENA: No, what it is, it's a document that itemizes the concerns that the HELP Committee had for each of those items, the district response with respect to whether or not that particular concern had been addressed in any part of the abatement order or whether or not we felt that there was some other more appropriate way to take care of the problem or in some cases where we did not feel it was either feasible or an appropriate item for the orders.

CHAIRMAN CALDERON: Now, most of the testimony so

far has focused on--although there's been a reference to migrating gas, there have been many comments regarding how the odors affected the individuals that testified nauseous feeling, burning sensation of the throat, allergies. But I want to talk now about the migrating gas problem. Now, first of all I want to clarify what the law is in this area. My understanding is that migrating gas or methane gas under current law is not permitted to migrate off the site. Is that correct?

MR. CAMARENA: For the response to that question, I think we'll have to look towards the Los Angeles County Department of Health Services. It is perhaps one of their regulations...

CHAIRMAN CALDERON: Okay, wait--just a minute now. I don't want--we're attempting to deal with the problem. I realize there's a whole history associated with the landfill but I'm going to get to the bottom of this and I can't do it if we're going to have comments made after every response, so please bear with me on this.

MR. CAMARENA: For the benefit of the public, each agency has its set of rules and regulations to control the problems that under state law or local law that agency has been charged with enforcing. With respect to migrating gas, the laws are those of the state which the State Department of Health Services enforces and I believe, in this case, that has been delegated down to the County Department of Health

Services. Mr. Chuck Coffee, who's one of the speakers later in the agenda, is here to address the exact particular issue. The abatement order, as I had earlier indicated, addresses the concerns of all of the regulatory agencies. Therefore, the control of mitigate, abate, and probably control the migrating gas were incorporated into the abatement order even though there is no specific rule in the District's rules and regulations prohibiting migrating methane gas.

CHAIRMAN CALDERON: Are you saying that you have no responsibility for controlling...

MR. CAMARENA: Not so, I'm not saying that.

CHAIRMAN CALDERON: Okay, I want to cut through the lingo as much as we can and get to the question. There is a migrating gas problem associated with Operating Industries. I don't think there's any disagreement. Now, do you disagree with that?

MR. CAMARENA: As long as the migrating gas remains in the ground, the Air Quality Management District, under state law, does not have authority.

CHAIRMAN CALDERON: And if it migrates off the site, then what?

MR. CAMARENA: The minute it comes out of the ground into the air, then we do have authority, in my view, under the Health and Safety Code, which prohibits emissions which may endanger public health only causing aesthetic nuisance.

CHAIRMAN CALDERON: Directing your attention to the

diagram that was drafted by representatives of the HELP Committee, it is in the form of a mound -- there are arrows not only that represent methane gas not only going into the ground but also going out into the air. Now if you...

MR. CAMARENA: That's an accurate representation.

CHAIRMAN CALDERON: So there is migrating gas going out into the air?

MR. CAMARENA: There is landfill gas going into the air--no question.

CHAIRMAN CALDERON: How about methane gas? Is there methane gas going into the air?

MR. CAMARENA: Yes.

CHAIRMAN CALDERON: Okay. So your agency does have responsibility?

MR. CAMARENA: Of the gases going into the air, yes.

CHAIRMAN CALDERON: Not only the odor gas but the methane gas as well?

MR. CAMARENA: Right. Let me clarify a term that perhaps has confused some people here. When referring to migrating gas, that term is used for any gas that is moving through the ground when it's in the ground, and what we're really concerned with here is the gas as it affects the people. And it affects the people when it comes into their homes, when they breathe it, when it's in their backyards, when it's in the air. We have responsibility for that.

CHAIRMAN CALDERON: I would give you this document--

I only have one copy of it. It's dated August 6th, 1980, and it's a memorandum from the Solid Waste Management Board and it documents the existence of methane gas in concentration higher than the LEL level. And it is a chronology in 1975 dating up to July 16th, 1980 and I will only read portions of that but I will give you the entire document too because I want to ask you some questions. On April 27th, 1977, it shows monitoring showing explosive gas in seven of eight wells tested. Concentrations in these seven wells ranged from 52 to 56 percent methane. Now the LEL level is 5 percent. Is that correct?

MR. CAMARENA: That's correct.

CHAIRMAN CALDERON: LEL level means that any cotton tracings of methane gas in excess of 5 percent begin to move into a dangerous level, is that correct?

MR. CAMARENA: That is correct. In the presence of air at that concentration of 5 percent, then you have a problem.

CHAIRMAN CALDERON: July 11th, 1977, monitoring results showed explosive gas in 9 of 13 wells tested. Concentration was 60 percent in one well, 36 percent in one well, and over 54 percent in the remaining 7. January 17th, 1978, monitoring results indicate explosive gas in 9 of 9 wells tested, concentration ranged from 5 percent to 50 percent methane. January 24th, 1978, a South Coast Air Quality Management District memo discussed a system of 8 gas selection

wells in plans for an additional 42 wells to be drilled in 1978. Reference is made to the effect of this plan on odor control but not on migration control. February 6th, 1978, a letter from Monterey Park to SCAQMD indicating beefed up inspections for odor control, nothing said about gas migration. March 14th, 1978, a letter from Solid Waste Management to Monterey Park City Engineer identified violation of gas control standards among others. The letter requested a copy of the correction order regarding cited violations. May 19th, 1978, monitoring indicates explosive gas in 6 to 8 wells tested, concentrations ranged from 14 to 29 percent. March 11th, 1979, gas monitoring wells showed explosive gas in 11 of 11 wells tested, concentrations ranged from 4 to 57 percent. June 19th, 1980, monitoring wells tested identified explosive gas in 8 of 8 wells tested. Concentrations ranged from 1 to 70 percent methane.

Now, significant comments about this chronology are as follows: (1) Documented history showing gas migration dates back to May 25th, 1976. If there is no gas migration controls being received at this time and this is as of August 6th, 1980. All responsible parties have apparently failed to act, bringing up a possible question of negligence. (2) There is a conspicuous lack of documented SWMB activity between Bill Portner's letter of March 17th, 1979, requesting a gas monitoring plan which is not on file, and February 21st of 1980 when monitoring reports were verbally requested.

Monitoring reports show the gas migration problem to be expanding, jeopardizing the health and safety of an increasing number of residents, that the time to act is now. I'd like to hand this document to you, and my question is first of all, is there a methane gas system in place at Operating Industries, and I understand that there is a system but not entire system, and my question is why did it take so long for your agency to get involved and require that there be an effective containment program at Operating Industries?

MR. CAMARENA: Yes, I understand. I would like to point out that in June of 1978, our Hearing Board adopted an abatement order providing for controls of the off gases from the landfill. During the life of that abatement order, the landfill problems were substantially reduced as evidenced by the level of complaints that were logged by the district. Also, representatives from the City of Montebello have indicated to me that that was the case. I cannot respond to whether or not and to what extent another agency carried out its mandate. I can only respond for the Air Quality Management District, and I believe that we have been working diligently on this matter. It is a matter that has certainly gotten worse since the 1978 abatement order and this is the reason we have the abatement order today. Along the way there were many things that occurred, certainly errors in judgment perhaps by a number of people.

For example, during 1980, after the abatement order

had expired, we began again to receive complaints and were preparing to begin the new -- another effort to correct the problem. In early 1981, the number of complaints had dropped quite substantially which suggested to us that the residents were no longer grieved with this problem. We later learned that some of the HELP group members had suggested to their members that they not complain to the Air Quality Management District because they didn't think it would do any good. Unfortunately, that was the wrong advice because, in the case where we regulate refineries, where we regulate power plants, where we regulate other emission sources, we have specific standards of emissions. In the case of odors which is the problem here, it is the human nose, the subjective interpretation of the individual that is the best measure, and without those complaints we don't have the evidence of violations of the State Health and Safety Code Section 41700 that we need to carry forth a successful prosecution.

In 1982, as a result of further communication with the community, although complaints again began to flow and our efforts began again to take care of the problem, and this is-- we have to extend our appreciation to HELP group because it's only their calls to us that give us the evidence, the leverage to get the problem resolved.

CHAIRMAN CALDERON: Mr. Camarena, I don't want to unfairly characterize your agency's efforts in this regard and I realize that of all the agencies having jurisdiction over

this landfill, your agency has been one of the most active, and that mitigates against some of the inaction that seems to be associated with regulation and enforcement of laws that are associated with this landfill. Let me ask you now some threshold questions that have not been raised in relation to this issue up to this point. I think it's important to raise these issues and to discuss them. Now the first one is, what is the extent of sampling and air monitoring which your agency has conducted at or near the landfill?

MR. CAMARENA: The air testing is now going on. It is obvious to us, as it is to the residents of the City of Montebello, in the City of Monterey Park, that there is a very severe problem that needs to be addressed immediately. The abatement order which provides for emission controls does not discriminate between odorous materials or hazardous gases that may be entering the atmosphere. Those controls will control all the gases indiscriminately, whether they are gases that have odor or whether they are gases that might represent some level of toxicity. These controls address all of them. Our experience in other situations has been that the testing programs last a considerable period of time because it is necessary to gather data over many, many months in order for the health officials, the health experts to assess the dosage data and come up with their assessments of the health impact. I think the citizens of Montebello and Monterey Park will agree with us that we do not want to wait that long before we

take action and it is for that reason that we proceeded with the action, with the abatement order because we felt at the time we had enough evidence to acquire the controls that we have required. We are not leaving. We will be working with the State and County Health Departments in that testing as well as the California Air Resources Board to get a proper assessment of the concentrations of the various gases in the atmosphere.

CHAIRMAN CALDERON: Okay, monitoring is being conducted now?

MR. CAMARENA: The testing is being conducted now.

CHAIRMAN CALDERON: And you're testing for hazardous and toxic as well as organic compounds?

MR. CAMARENA: Yes, I would like to discuss that a little bit. In the City of West Covina, the State Department of Health Services and the Air Resources Board and ourselves recently completed a study. Our involvement in the study was to take the samples and make the measurements with the assistance of the California Air Resources Board.

CHAIRMAN CALDERON: What is the landfill?

MR. CAMARENA: This is the West Covina BKK Landfill. Now that landfill, as you know, does accept toxic wastes under law. Our sampling around the clock from midnight to midnight in order to get a full assessment of the exposure of people living in the area. We had many meetings to determine exactly what we're going to monitor for, and we came

up with a list of compounds which are potentially toxic, and which because of our knowledge we knew had been deposited at that landfill in the past -- and so those were the target contaminants. The data was taken for a three month period from mid-July to mid-October, and once the analysis was completed the data was given to the State Department of Health Services for their assessment. We believe that a similar effort here would be appropriate. We think that--we know, however, that that will take some period of time, and that the abatement of the emissions from the landfill should not wait for such a study.

CHAIRMAN CALDERON: Alright, I know that. First of all, I'm concerned about emissions of also organic compounds coming out of the Monterey Park Landfill, and I realize that your agency, in connection with the Air Resources Board and Health Services, conducted detailed monitoring as in La Puente Hills Landfill. Let me ask you what were the results of that?

MR. CAMARENA: The La Puente Landfill monitoring is just now getting started. That has not been completed.

CHAIRMAN CALDERON: Well I understand, maybe I'm wrong, but that there were some toxic components of gases being found in the air of La Puente which is not--well it's a class two, but not a class two-one dump.

MR. CAMARENA: That's right. The preliminary data-- anytime you conduct a study it needs to be very very carefully designed. One of the first tasks is to look at all the infor-

mation that is available as to what might have gone into the landfill--and one must recognize that even though it may not be authorized to accept toxic hazardous waste but is only authorized to accept domestic and certain industrial waste--that even in our domestic waste there are these toxic materials in our medicine cabinets at home, in the cabinet under the sink, in our garages we have toxic materials that we throw in the trash barrel and that winds up in the dump. The question is, what is the exposure -- because generally that toxic compound that's in our garage, in the medicine cabinet, or under the sink is a problem only if we inhale it or drink it, or otherwise come in contact with it. Likewise in the landfill, the material, as long as it remains in the landfill, is not a problem. It is a problem if it leaves the landfill in sufficient quantities and in a manner where public exposure might be such that there might be a problem. So, it is not unusual to find toluene emissions from the gasoline tank or your automobile because it is a component of gasoline. Toulene and other compounds are present, can be from various sources in very small concentrations. The question is not is it there, the question is how much?

CHAIRMAN CALDERON: I'm interested in monitoring for toluene and other organic compounds. Can you tell me today that your agency will monitor immediately for these compounds, the existence of these compounds in amounts great enough to cause danger to the public safety, and report back to me on

the results of that monitor?

MR. CAMARENA: I will make that commitment. I think that a proper study will involve not only my agency, because our expertise is in measurements and in regulatory control, it will involve the local County Health Department and the State Health Department. These are the medical expertise that we rely on to interpret the data when there is -- if there are no standards for those compounds.

CHAIRMAN CALDERON: I have one more question. Is it fair, and if it's not you can tell me, but is it fair to say that at least from approximately 1940 up to about 1970 there was not state or county regulation of the landfill, and if the landfill was regulated entirely by the City of Monterey Park?

MR. CAMARENA: I think that answer should be addressed to some other witness here today. My expertise and our records do not tell you that information.

CHAIRMAN CALDERON: Based on your experience with this landfill, would you agree that there has not been follow-ups by state agencies with respect to -- well, let me put it this way, could there have been a quicker response to the problem created by the landfill?

MR. CAMARENA: I think we can look back in history and find the errors all along the way. One can certainly question the judgment of those who permitted homes to be built adjacent to the landfill. One can certainly question the judgment of those who permitted the landfill to be expanded as it

has been. One could question the judgment of the operators of the landfill in conducting their operations as they have conducted them in the past. Certainly we can find errors all the way.

CHAIRMAN CALDERON: Well, with respect to monitoring, and in light of that history, with respect to monitoring for compliance and the terms and conditions of the abatement order, can you make a commitment that your agency will designate investigators to monitor on a regular basis to ensure that the terms and conditions of this abatement order are followed?

MR. CAMARENA: Absolutely. We are committed to this. We will have and have had an inspector make an inspection three times a week. The other agencies, I think if you will pose that question to them, will also give you a similar commitment. Our commitment is not only to make the inspections, which include a thorough on-site inspection for all of the points of the conditions of the abatement order, it has included fly-overs by helicopter to make observations that are not readily made on the ground. The inspections will be detailed, not only to the extent of the abatement order, but we will, as I have committed to you, include a monitoring study to develop the information upon which the County and State Health Departments can make an assessment as to whether or not there are any adverse health effects. We will also commit that the results of our inspection, when we find

violations, we will pursue those violations with violation notices, and seek prosecution through the courts and, as I have indicated, violation of the abatement order can result in up to a \$6,000 a day fine.

Our experience with the abatement order, because they are our big stick, is that we have never - there is only one instance in my memory - where we have had a significant violation in abatement orders that required us to seek those penalties, and when we took the action to seek the penalties, the source quickly came into compliance. The abatement order is a very effective tool. I think the first test of the abatement order came yesterday. The abatement order provides that phase II, III and IV of the gas migration control system be in and operating by April 15. About a week ago, we were informed by Operating Industries that there was some possibility that they might not make the date. We informed them that they had to make the date, that the abatement order did not say April 17, it did not say April 16, it said April 15. This morning, our inspection revealed that indeed the phases II, III and IV had been installed and were operating as required by the abatement order.

CHAIRMAN CALDERON: Thank you very much. I have no further questions. I appreciate your appearing here before the public and before this hearing and as a lead agency with respect to enforcement of this abatement order, given your commitments today, I think that there's at least a reason to

feel that government is protecting the lives of people, to the extent that you follow through on your commitment. Thank you very much for appearing.

At this time I would like to take a witness out of order. We've spoken about migrating gas, we talked about wells with percentages of methane concentrations in excess of the limit. I think it would be appropriate at this time to call up the representatives of the Solid Waste Management Board to explain the nature of the methane gas and migrating gas problem at the landsite. So, at this time, would those representatives please appear?

Please state your name and occupation for the record.

MR. DOUGLAS STRAUCH: Assemblyman Calderon, I'm Douglas Strauch, Chief of the Waste Management Division of the California Waste Management Board. I'm a civil engineer by profession.

CHAIRMAN CALDERON: And your other representatives are with you? Would you please identify them.

MR. JOHN DELL: Okay, I'm John Dell, also with the Solid Waste Management Board. I'm responsible for permits enforcement and compliance in Southern California.

MR. KERRY JONES: My name is Kerry Jones. I'm the manager of the Board's Office of Financial Technology and I deal with the landfill gas situation and the technical aspects of that Board.

CHAIRMAN CALDERON: Now, did you bring a chart with

you to explain the nature of the gas?

MR. JONES: I did. It's very similar to the one over here on the board. We may be able to use it.

CHAIRMAN CALDERON: Alright. We have had a previous meeting and we had a discussion about the nature of the problem and the remedies in the abatement order which has been referred to, provided in the abatement order. What I would like you to do is to quickly run through and explain and perhaps either using the diagram provided by the HELP Committee or one of your own choosing, and I'm going to turn the gavel over for the purposes of this presentation to Patricia Schifferle and I will return in approximately five minutes.

MS. PATRICIA SCHIFFERLE: I would like you to please summarize the migration control system and then we have some specific questions regarding the control of the leachate offsite.

MR. STRAUCH: Alright. At the Operating Industries site, there are actually two systems, two types of systems, that are being installed to manage and control the migrating gases. There is in place right now, an injection system which would be similar to this type where you have wells and you are injecting air, and by the very fact that you are building a pressure barrier here of air, you are then stopping the gases which might migrate out just as that very chart represents gases coming out of all portions of that landfill. There will

also be one of the more typical types of systems installed on other areas of the landfill, and that is where you put in, again, these wells are in natural ground outside of the waste area. There will also be wells put in where a vacuum is applied and it takes those migrating gases, pulls them in, it will also be pulling some air in from out here that will be coming in from the soil, from the ground, come around and be pulled in, and be taken off and deflared.

These other systems, this would represent what Getty is doing with the landfill in pulling gases out of the interior area of the landfill and those are the ones that hopefully do not have any nitrogen or oxygen in them, because they are cleaning those gases up before injection in for use as a gas, as a clean high energy gas fuel. There will also be some systems that will replace over on the lower portions of the fill to hopefully cut down on the amount of the gases which are coming out, but those are the ones that are creating the odors and are much more of the heart of our - of the Air Quality Management District.

MS. SCHIFFERLE: Do you believe that under this present abatement order that the migrating gases will be contained onsite?

MR. STRAUCH: Yes, we do, or we would not have been a party to it. This system - the injection system--is working well. The other systems that are coming on - we'll have to see if it's through monitoring, whether, you know, if you need

more wells, or whether you need more vacuum applied to those wells.

MS. SCHIFFERLE: What are the provisions in the abatement order at this point to ensure that there will be compliance in the event that there is migration in offsite, what actions do you envision that you - or what authority do you have to take action to remedy that?

MR. STRAUCH: Okay. It would be through our state minimum standards and it would be through the Los Angeles County Health Department who is our local enforcement agency for this area.

MS. SCHIFFERLE: It was noted in your memo to us that there was an inspection of the facility and there were violations in the - showed non-compliance in the recent RECRO regulations. What actions were taken by your department to ensure compliance?

MR. STRAUCH: That was an unusual and a little different breed of cat in that it was a federal requirement that landfills be inspected. It included no enforcement powers whatsoever. All enforcement had to take - be taken under state or other local authority, so it would be our local enforcement agency that would be required to take action. And shortly after that time they did issue a cease and desist order, because there was not an approved plan as far as how they were going to control the migrating gases, for that - for the Operating Industries site.

MS. SCHIFFERLE: What is the present plan to monitor the level of methane gas in the homes and surrounding areas? Are you - is this basically the responsibility of the L.A. County Health Department? Are you involved?

MR. STRAUCH: It could be our local enforcement agency, it also could be a requirement in the permit to require the operator. We are concerned about the fact that the community - out in the community - beyond the site boundaries - that there are not - or we do not consider that there is adequate monitoring at this time. And we are proposing to install some additional monitoring wells.

CHAIRMAN CALDERON: I would agree with what you just said, that at the perimeter of the landfill, there is adequate monitoring. We think that there also needs to be some in the community.

I take it that there has been an explanation of the nature of what is meant when we refer to migrating methane gas. Also, there's been an explanation of what the abatement order calls for in terms of controlling that situation. Is that - since I was outside - was that your testimony up to this point?

MR. STRAUCH: Essentially.

CHAIRMAN CALDERON: Then, the dump operation or landfill operation probably started approximately in 1942. Is that about right?

MR. STRAUCH: Our records show 1948, but we were not

in being at that time - along that time.

CHAIRMAN CALDERON: Do you have any knowledge about what local state agencies were charged with the responsibility for regulating that landfill between 1948 and 1970?

MR. STRAUCH: Having worked for a regional water quality control board, I know they came into being in 1949, and I assume that type probably had waste discharge requirements on that site in the '50s.

CHAIRMAN CALDERON: Is it fair to say...

MR. STRAUCH: ...but they should answer that question...specifically for you...

CHAIRMAN CALDERON: Okay. So what other agencies would have had some regulations that would have monitored or affected the regulations - would have affected the running of that landfill?

MR. STRAUCH: The City of Monterey Park, definitely. Our agency came into being in 1972, but did not have the enforcement authority until 1977. Then that would be with the designation of the role of the enforcement agency under our authority.

CHAIRMAN CALDERON: From 1948 to 1972 ... you were in existence in 1972?

MR. STRAUCH: Correct.

MR. CALDERON: From 1948 to 1972, aside from perhaps the Water Quality Board and the City of Monterey Park, what other agencies would have had jurisdiction over the operation?

MR. STRAUCH: The County of Los Angeles probably had some local ordinances also.

CHAIRMAN CALDERON: With respect to the control of the migrating gas problem at the landfill, in terms of compatibility of the system being used to control odor, with the system being used to control migrating gas, do you have any concern about that?

MR. STRAUCH: They are totally different systems. The system to control migrating gas is little or no use in controlling odors and the system that will be used there to totally control odors where we are placing additional material on the surface, and also some plastic sheathing could cause some incompatibility between those two systems unless they are carefully coordinated.

CHAIRMAN CALDERON: Now, as I understand the provisions in the abatement order which addresses itself to control of the migrating gas problem, there will - there is going to be an injection system and an extraction system. Did you explain already the difference between those two systems?

MR. STRAUCH: Yes.

CHAIRMAN CALDERON: In a sense, in concept, those systems are designed to keep the gas onsite, is that correct?

MR. STRAUCH: Yes, they are.

CHAIRMAN CALDERON: Now, in keeping it onsite, is there a threat in any way that by concentrating all those levels of methane gas onsite, that there might be a

possibility of explosion?

MR. STRAUCH: No, I don't. That isn't the type of thing that would be of concern. The areas that you can have problems in would be for some of those wells which are controlling the odors to the - pumping at too rapid a rate and to draw oxygen into the site, and to have then chemical oxydation fires...

CHAIRMAN CALDERON: So you are talking about underground fires?

MR. STRAUCH: Right.

CHAIRMAN CALDERON: And the underground - whether or not there could be underground fires, is that related to the system being run by Getty Oil as well as to the gas control systems being instituted by Operating Industries?

MR. STRAUCH: Now again, there is going to have to be careful coordination and cooperation between those two entities as one takes care of the odor controls system, while the other one is removing gases for recovery purposes, and as they close in that site, then appropriate increases have to be made and withdrawals of that gas, or migration, migrating gases could be increased.

CHAIRMAN CALDERON: I just want to clarify, since I stepped down, I might have to go over areas that you have already covered, but I want to get a clear statement. I have heard you express some concerns about the incompatibility between the odor control system and the methane gas control

system that are going to go into this site. Can you explain what your concern is and what is the nature of that incompatibility?

MR. STRAUCH: Just the concerns, again, that these systems are carefully - and that there is cooperation between the different operations, because one: as you attempt to stop the gases escaping from that system, by those wells which are on the - again on the shoulder of the landfill - there are two concerns. One, that you will draw in oxygen. The two types of systems are just not compatible, that's all. They can be worked together, carefully. And they will be, I certainly hope, and we'll do our very best to make sure that they do.

CHAIRMAN CALDERON: Is it important to have communication with representatives from Getty Oil in terms of the operation of their reclamation system?

MR. STRAUCH: To ensure the overall success of the migrating gas control system and the odor gas control system you need to have.

CHAIRMAN CALDERON: Since Getty Oil is operating a reclamation gas system which siphons out methane gas that they sell, are you going to need to have cooperation from Getty Oil in order to successfully - in order to ensure the success of the odor control system and the migration system?

MR. STRAUCH: Definitely, because as we seal the surface, if the withdrawal of gas is not increased, we are going to increase the migration of gas and we are either going

to have to improve that migrating - migration gas control system by putting additional wells or increasing the pumping on those at the same time. It just all has to be worked as a total unit.

CHAIRMAN CALDERON: Now are you, at this time, aware whether or not there is cooperation between Getty Oil and Operating Industries?

MR. STRAUCH: My local enforcement agency informs me that there is that cooperation.

CHAIRMAN CALDERON: I invited Getty Oil, or a representative, to appear here and they said they would not make it but that they would be willing to discuss with me any questions that I had. My main concern is that there be complete and total cooperation between Getty Oil and Operating Industries in terms of addressing this problem and I want to know if there is anything that I can do in terms of my contact with Getty Oil representatives that will ensure that. I'm concerned, as are you, with the fact that you have basically three different types of gas control systems in there being operated almost like three different concerns. At least two different concerns. And without cooperation, there may well not be success. So, is there anything that I can - that you can suggest to me that I might suggest to Getty Oil when I sit down and talk to them that would ensure the success of this reclamation program?

MR. STRAUCH: Nothing that I'm not aware of that

isn't going on at this time.

CHAIRMAN CALDERON: I see Mr. Danzig dancing over here. Do you have any suggestions? No? I thought maybe you had a suggestion.

Why don't you make some comments here?

MR. DANZIG: Getty Oil has something like a \$3 million investment in collecting the gas. Operating Industries obtains a royalty of 12 1/2 percent for every cubic year of gas that is treated and sent over to Southern California Gas. As testimony by one of the principals of Operating Industries at the present time, they have an income of approximately \$200,000 a year from the sale of gas by Getty to Southern California Gas. Based on the investment of Getty Oil and based on the amount of money that Operating Industries is yielding from the gas collection, that alone, I do believe, will drive the two parties to be very, very cooperative.

MR. STRAUCH: I certainly hope that statement is true. I believe it's true. But in the past they haven't always cooperated.

Our law is the thing that drives us to emphasize safety first and the stopping of the migrating gases over the recovery of gas from that landfill, or even the stopping of the odor, the gases which are leaking odor. Number one, as far as our agency is concerned, our first item will always be, are those homes safe to live in as far as the migrating gases?

CHAIRMAN CALDERON: Then I take it you are willing to commit publicly here for increased and consistent monitoring outside for compliance with abatement order?

MR. STRAUCH: That is correct.

CHAIRMAN CALDERON: Let me ask you one more question. I take it that even if the landfill were closed today, that at least the odor may well exist for 50 or 80 years. Is that a fair statement?

MR. STRAUCH: Those 30 million tons in the dump there are going to be undergoing decomposition for a long period of time. And we would anticipate that even after there is not enough gas there to make it economically feasible for Getty to continue to withdraw, that there will be migrating gases for a long period of time and it's a guess, probably we would use 50 years.

CHAIRMAN CALDERON: How long - what about the arrangement? Do you have any knowledge about the arrangement that Getty Oil has with Operating Industries in terms of how long they are going to be there?

MR. STRAUCH: I haven't read their contract.

CHAIRMAN CALDERON: What about the gas control systems that are being installed pursuant to the abatement order? What's the life, well first of all, what's the operating cost?

MR. STRAUCH: As far as the life of those systems, any one of those systems that isn't receiving constant

maintenance would operate possibly a year, maybe two at the most, three at the outside, just because of the inherent problems of settlement and equipment normally have in that kind of system. Kerry writes down \$50,000 a year.

CHAIRMAN CALDERON: In other words, a rough estimate would be that, even if this gas control--in terms of controlling migrating gas and the odors--even if it works and you would agree that we are at the edge of the technology, there is no absolute guarantee that it will work. But you firmly believe, based on your professional experience, that this system will work?

MR. STRAUCH: Particularly the migration control system.

CHAIRMAN CALDERON: So even if the system works, you say that it would cost \$50,000 a year to maintain the system on a yearly basis?

MR. STRAUCH: That's our guess.

CHAIRMAN CALDERON: Is there anything that you know of in the abatement plan that provides...

UNKNOWN VOICE: I see the Regional Board shaking their heads over here, maybe he has some information that I'm not aware of.

CHAIRMAN CALDERON: Right. I want to really close the question. If you don't have the answer, you can respond...appropriately, but is there anything in the abatement order which ensures that there will be proper operating

capital to operate this gas control system for 50 or more years - the time that it would take for the final decomposition?

MR. STRAUCH: That will have to come in the closure plan.

CHAIRMAN CALDERON: Thank you very much. I have no further questions.

If you have questions, the only way we can operate this in an orderly fashion - if you have a question, write it down and I'll attempt to ask that question for you, so give it to my secretary, Linda Ward. Thank you very much gentlemen.

I want to call a representative from the Regional Water Quality Control Board. I was not able to confirm whether or not there is a representative from Operating Industries that was going to attend today. Is there a representative? I didn't realize that you were here, otherwise I probably would have called you sooner. Let me call the Water Quality Board and then we will have you come up.

MR. HANK YACoub: My name is Yacoub. I'm a Senior Staff Engineer with the Regional Water Quality Control Board, Los Angeles Region. On behalf of my Board and Executive Officer, I thank you, Mr. Calderon, for this opportunity. My responsibilities with the Regional Board are supervising special projects and waste management programs.

We are a state regulator. Our primary duty is to protect water quality from discharges for designated

beneficial users. We issue and enforce (INAUDIBLE) requirements on all municipal and industrial waste discharges that go to either the surface water or to land. It includes landfills, such as Operating Industries. Our control measures are directed specifically to protect surface and quality. Operating Industries is subject to state order issued by Los Angeles Regional Board to specify operational condition and monitoring program, and now weather testing program. The landfill is operating according to its designation as class two-one landfill, and mainly receiving municipal and commercial refuse. The land will also receive limited quantities and specified types of liquid. Provisions in the order call for gas leachate and drainage control - I'm trying to be general. It requires the operator to submit monthly landfill monitoring reports regarding site operation, type and quantities of waste received at the landfill, and groundwater testing and monitoring reports. We complement that by conducting routine inspections to check on compliance.

CHAIRMAN CALDERON: With respect to compliance, what is the intention of the Water Board to insure compliance with these leachate and runoff in other provisions provided for?

MR. YACoub: Let me go first a little bit back and let you know when that problem really became a problem. It was late 1979 when we first were able to detect what I will refer to as some "wet spots" at the landfill.

CHAIRMAN CALDERON: And who had regulatory oversight

in addition to the Water Board at that time?

MR. YACOUN: Regional Board. We are the agency with respect to leachate control and that's one area. The order's provision indicates that if leachate is generated it should not surface, bleed, overflow, or leave the property of the landfill.

CHAIRMAN CALDERON: Other than from 1948 to 1970, was there anyone - any other agency that you're aware of other than the City of Monterey Park that had regulatory jurisdiction over the landfill?

MR. YACOUN: I can answer that question with the following: it is true that the landfill apparently had gone into operation in 1948. I would assume it did go into local either city or county permit. The Regional Board was established in 1950. I was told we began with three people covering L.A. and Ventura Counties. It wasn't until 1955 that our records show us that the L.A. Regional Board pioneered Resolution 55-1 which specified land disposal regulations given the state of the...today to date. Earlier, I think, you were correct when you mentioned that the actual statewide regulation and laws were really drafted in 1970. To be more exact, it was in 1972. Since then those land disposal regulations first issued by State Water Resources Control Board as a statewide policy were updated and amended and the most recent one that we have on the books is the one in 1980, and currently, it's going further amendment to make it equivalent

to the federal regulations.

CHAIRMAN CALDERON: I interrupted you...you were going to make a statement about the abatement order and I asked you about who...

MR. YACOB: With respect to leachate control, that is one area that we have contributed to the abatement order along with drainage and - cover enclosure. In late 1979, we made the discovery...to just let you know what our enforcement tools are, we do begin with an administrative letter, and we seek cooperation from the operator. And the other option, of course, is legal, but we hadn't reached that point at that time. In 1980, we asked them to construct a collection system--they hired an engineer and to prepare the plan they put the system in and it was operational in late 1980. The system was operational effectively until very recently and, I believe, because of the wet season and the wet lanes that we had in the past three years, the existing system or the system that was constructed in 1980 was not able to accommodate the entire leachate. So, as late as 1982, and because the problem was further aggravated and we did observe surfacing, we did observe pumping and overflow of leachate and that's where we began with the other agencies. We had to yield to their quality board on this because the major issue was odor and nuisance. We believe that to get the parties together would be the most appropriate and effective way to deal with the problem and I believe, we had accomplished that. And, I am

pleased to report to you that this morning, I stopped at the landfill to check on the progress because we were notified that they had begun the work on the leachate control system after completing the phase--gas recovery that my colleagues have mentioned, and I believe they are far ahead in schedule and they will be able to comply with the abatement date and probably far more earlier than what we and they have agreed upon.

CHAIRMAN CALDERON: I understand there is a water table that runs underneath the landfill. Is that correct?

MR. YACoub: There is now water, that's correct.

CHAIRMAN CALDERON: And waste discharge requirements require that the groundwaters downgrade from the landfill site be of good quality, especially if they're being used for municipal, industrial, and agricultural purposes.

MR. YACoub: Correct.

CHAIRMAN CALDERON: What monitoring has been required by the Board to assure that liquids which are being dumped in the landfill are not migrating outside the contaminated waters?

MR. YACoub: Back in 1976, we updated the requirements on Operating Industries. At that time, the state, in consultation with other state and local agencies, did study this landfill in detail. As a result, the landfill operation was somewhat limited for disposal of liquid waste. The records show that this landfill used to--liquid waste on

its own entirety. Since 1976, because of the results of the study that we were able to obtain through intensive geological investment which means you also have to define the system, what protects it, and what is needed further to detect any potential migration of leachate from the landfill. At that time, we constructed two wells which are located roughly between the Pomona Freeway and the landfill. In addition to that, we incorporated with the permission of the gas company groundwater production well which is immediately located at the southern part of the landfill. The results of the analysis that we have to date has not shown any migration of pollution. In addition to that, I would like to bring to your attention that in 1980, there was a very expensive and intensive study conducted throughout the entire San Gabriel Basin because of the PCP contamination. At that time, the State Department of Health Services was in charge of the domestic well monitoring and did in their monitoring program include what was considered to be done. And in 1980, some of the volatile constituents such as you mentioned...and so on. And I believe, they have addressed to you in a letter that some of the wells they had monitored around the landfill did not detect as...

CHAIRMAN CALDERON: But you didn't check wells in Montebello, did you?

MR. YACoub: We do check the gas company well adjacent to the landfill and it has shown no pollution

migration.

CHAIRMAN CALDERON: But there are several wells which are downgradient in the City of Montebello.

MR. YACoub: Production well? The production well, Mr. Calderon, are checked annually by the water company and the Department of Health Services. We had no jurisdiction in those areas.

CHAIRMAN CALDERON: Did you check for volatile organics?

MR. YACoub: The Department of Health Services did. We did not, no.

CHAIRMAN CALDERON: Now the waste...I'm going to get back to this, the waste discharge requirements which you have referred to, have been in effect since 1976. Is that correct?

MR. YACoub: Updated in 1976. Right.

CHAIRMAN CALDERON: Right. And they require no leachate migration, no odor nuisance, no storm runoffs to any master drain system, no disposal or handling that would create any kind of pollution or nuisance, is that correct?

MR. YACoub: Yes, those conditions existed in 1976 with respect to the landfill.

CHAIRMAN CALDERON: Why did it take the Water Board up until now--1982--to enforce the waste...

MR. YACoub: I'm sorry, I don't believe that statement is correct. The record will show that the nuisance problem, the first one that came to us was in 1978. I

mentioned that. That's probably why the complaint, which Mr. Camarena referred to in the stipulation order initiated by them and we were somewhat involved to the extent because our jurisdiction in order of control, it is still their requirement that it is now a requirement, but quite frankly, that is not really within our specific jurisdiction. But in 1976, there wasn't a nuisance problem. In 1976, we were simply responding to the legislative rules and regulations in updating the landfill requirements because the statewide program was established then and by law we were asked to go back and redo those landfills.

CHAIRMAN CALDERON: Are you...I'm sure you're aware of the report, or at least, should be aware of the report that was prepared by the Assembly Office of Research and is entitled, "Is Our Water Safe to Drink?" Are you familiar with this report?

MR. YACOB: I am not, I'm sorry.

CHAIRMAN CALDERON: Well, I will give you a copy to look at. I'm not going to ask you any questions, but I will point out for the record that it is highly critical of your agency's efforts in Los Angeles County. It specifically points out that there's almost a total lack of inspection for compliance, waste discharge requirements, that there isn't any inspection by your agency of monitoring reports which are submitted by landfills which take hazardous waste. And, that there just simply isn't any sufficient monitoring by your

agency to assure compliance with waste discharge requirements. Now, this has been prepared at the direction of the Assembly of the State of California and now in light of that, I want to come back to my question with respect to the wells.

MR. YACoub: May I comment?

CHAIRMAN CALDERON: Yes, you may comment. This is a draft copy but it has been published.

MR. YACoub: Thank you for the copy. I just wonder if your comments were generally directed to the regional boards or specifically directed to L.A. Regional Boards?

CHAIRMAN CALDERON: All regional boards.

MR. YACoub: Thank you.

CHAIRMAN CALDERON: But L.A. is singled out in the report. Now, here is a map--directing your attention to the map that was just placed on the blowup of the landfill. We will have testimony by the City Manager of Montebello indicating that those are wells which are located in the City of Montebello which are downgrade from the landfill and, if you would, I'd like you to inspect that map and tell me which of those wells your agency has tested for toxic materials. The landfill is to the north.

MR. YACoub: The wells that I see on the map, to my knowledge, are not downgradient from the landfill. The groundwater flow from the landfill has concluded in 1976 by a number of geologists and private consultants is north-

westerly. It was for that purpose that the monitoring wells were drilled and located between the landfill and the Pomona Freeway. However, we also, as I pointed out earlier, did include an existing well owned by Southern California Gas Company immediately adjacent to the landfill, and that is included and is being monitored on an annual basis and it had shown no--has not shown any kind of leachate or pollution within that groundwater body.

CHAIRMAN CALDERON: And what samplings have you monitored for?

MR. YACoub: Basically, it's chemical and some total organics. We have at least...basically mineral and chemical analysis.

CHAIRMAN CALDERON: But, not necessarily looking at organics.

MR. YACoub: For a good reason. Because we did not have parameters or pollutants until 1980.

CHAIRMAN CALDERON: But there have been standards to test for organics.

MR. YACoub: The only standards that are on the books today are for organics. They are really not standards, they are referred to as "action levels" set by the Department of Health Services for...

CHAIRMAN CALDERON: Are you willing to commit today that you will test for organic compounds in the drinking wells of the City of Montebello?

MR. YACoub: I believe, well...I believe...

CHAIRMAN CALDERON: As well as others?

MR. YACoub: I think we're getting confused. We have no jurisdiction to go out and sample domestic water because it's by the Department of Health Services.

CHAIRMAN CALDERON: Are you saying you have no statutory authority to require that?

MR. YACoub: We could.

CHAIRMAN CALDERON: Okay. What I want to know is--I want to know what the Water Board is going to do to ensure the health of the people in this city and the City of Monterey Park with respect to that landfill.

MR. YACoub: No question about that.

CHAIRMAN CALDERON: And, so, would you commit--I don't think that issue has ever been addressed. There isn't a final determination to my knowledge that there are or are not toxics in our drinking water.

MR. YACoub: We could simply, I believe, Mr. Calderon, ask the City of Montebello to find out who the owners of these wells are, get their permission, set up a program, and--either way--either we could do it, we could select the wells that they desire and go ahead and want some analysis.

CHAIRMAN CALDERON: Okay. I think that, at least, begins to get to the problem. Excuse me, let me just conclude with this. First of all, I appreciate the fact that you're

here and that you're willing to face the questions and give responses to questions surrounding problems that have been here for a long time. I think the record is clear and there is little, if any, dispute that the enforcement by local and state agencies has been not what it should have been. There is an abatement order in place with a commitment from those state agencies that enforcement is going to take place. And now, against that background, are you willing to ensure that the terms and conditions of that abatement order with respect to the jurisdiction of your agency will be enforced and that the closure date set forth in the abatement order is met, and that there is protection for the public with respect to the drinking water?

MR. YACoub: Absolutely, Mr. Calderon. And let me also comment that the commitment really does not end with the stipulation order. It will follow with a closure and forced closure maintenance plan. We try to--we'll cover all the issues, that is in the stipulation order and probably far more comprehensive, and also, it will cover the areas, some important areas that you brought up today with respect to the duration of gas migration, how long will it last, what happens if this abatement order expires, how about the pipeline system, the closure and forced closure will cover those areas. It will be another comprehensive document to which Operating Industries has to commit some financial responsibilities to abide with the conditions of that plan and

carry out.

CHAIRMAN CALDERON: With respect to inspection from your agency, what kind of inspection or monitoring is going on right now? We got a commitment from the South Coast Air Quality Management District to have inspectors out there a minimum of three days a week throughout the life of this abatement order. Are you willing to make the same commitment?

MR. YACoub: I will make you an informal commitment. I would appreciate it if you understand our position as a regional board with limited resources covering two counties. I have already made a commitment to South Coast Air Quality Board at the hearing that we will include the surveillance. In other words, this is a priority. That's all we can do. We will try to put out this brush fire and try to visit the landfill once a week.

CHAIRMAN CALDERON: With request to inspection and monitoring reports from here on out, would you please send my office a copy of all reports made by your inspectors?

MR. YACoub: Sure.

CHAIRMAN CALDERON: I have no further questions. I'd like to call now--I'd like to call the representative from Operating Industries and my apologies but I didn't realize that you were here otherwise I would have had you up a lot earlier. I know what lawyers charge these days.

MR. THOMAS L. WOODRUFF: Good afternoon, Assemblyman Calderon, I don't consider an apology necessary to put me to

the front of the line. My name is Thomas L. Woodruff and I represent Operating Industries particularly over the last couple of years with respect to the exchange that has been going on between the air quality district, the state boards, the Regional Water Board, and the cities. My statement this morning or this afternoon is really very brief. I really came here for two purposes. One, to once again listen. We've been through a lot of these hearings in the last few months and secondly, to respond to any questions that may be pertinent. It's my understanding that the purpose of the hearing is to examine whether the various regulatory agencies had been doing their job in the past and are going to continue to do it in the future as opposed to examining whether Operating Industries is doing their job. I think what you have heard today so far is particularly well focused on the abatement order issued by the hearing board. That order is, in my opinion, fully comprehensive. It's a result of considerable technical input by engineers, chemists, biologists. From each of the regulatory agencies it was not a document that was worked out in the dark hallway between someone from the agencies and either my office or my client's office. There was a great amount of input even in the preparation of the draft--cities had involvement, homeowners had involvement, and from that came a draft that was probably cut up and redone not less than a dozen times. Ultimately, a stipulation was agreed to by my client. There were a number of provisions in there

that we objected to for a variety of reasons.

Number one, they probably exceed the jurisdiction authority of the agencies. They were very, very difficult and expensive to comply with. But, on balance, Operating Industries viewed the whole situation as one of needing to show a spirit of cooperation and knowing that the best solution to all the problems for all the homeowners and all the agencies was to try to get all the issues at rest and send it into a singular document. And for that reason, though there are some provisions that we'd rather not be in there, we have agreed to them and pledged and committed that we can, in fact, make. The comment was made that before they're relative to the Phase II, III, and IV were due to be installed by yesterday and we made it. It was very late last night but that was a very expensive proposition, a great deal of engineering, a great deal of coordination with contractors to get all the billing and equipment installed, but it was done. It cost my client a lot of money and more than normal if it had been able to be done in a scheduled basis. Operating Industries has pledged itself to commit to this. We also are aware that if we don't meet the terms of it we're facing very serious punitive measures. We don't need that. We've been defending a lawsuit instituted by the City of Montebello for the past two years. That hasn't established anything to date not other than it has put all of the issues in focus and the abatement order really has been more comprehensive and more

exhaustive and more definitive in bringing the whole problem into focus and addressing the concerns of people. Quite simply stated, we believe that on full compliance of this abatement order, simply nothing better can be done. It solves the problems, not overnight. There have been a lot of requests, a lot of claims, a lot of urging and pleading, even carrying banners and placards that say, "Close the dump today." The fact remains that all of the technical experts, including those of the City of Montebello, acknowledge that closing the dump today is not the solution to the problem. It won't make everything right tomorrow morning. It's very simple. The closure plan is something that must be designed. It must be planned, it must be orderly, it must be progressive for a variety of reasons. One, from a technical point of view, from my client's point of view, from a pure, hard, financial aspect. The order has now been established accelerating the closure date to December 31, 1984. That gives us a mere 20 months. Cash flow position in order to fund the tremendous expenditure of closing that landfill is such that the continued operation taking additional input into the site is essential. According to testimony and the evidence, it's not going to cause any additional adverse impacts by taking the additional fill and, quite simply stated, we think as a matter of law and practicality that this sequential program of closure is the best, if not the only very close to the solution. I don't think that anything is to

be gained by exploring in depth or even hardly superficially what may or may not have occurred from the year 1948 to 1970 when it was operated by....or even from 1970 to perhaps 1980. I think the facts speak for themselves. A lot of the regulatory agencies were new in the area and new in the subject area. A lot of them were short and inadequately funded. This is not the only landfill in the state or even in Southern California or the L.A. Basin. There were actions taken. AQMD has filed a misdemeanor criminal complaint against operating....over a period of years for various violations. It wasn't that any of the agencies totally abrogated their duties and responsibilities. It's very easy for all of us to sit at a table and be a Monday morning quarterback and say, well, yes, if I could put myself back in the chair in 1970, it would all be different. There's no question I would think in either your mind, my mind or the mind of anybody in this room that it would be difficult, but that statement was made earlier today by somebody who was saying, now why did the City of Montebello allow the construction from that close to a pre-existing manhole? Why did a variety of things happen?

CHAIRMAN CALDERON: There was also a statement, why was the height limitation increased by 100 feet after those homes were in by the City of Monterey Park? I mean, I realize that...

MR. WOODRUFF: Precisely the point. If we had it to

do over again, maybe the closest homes would be a mile away and maybe the top elevation would be 500 feet and not 640 and maybe a lot of things would be different. But the fact of the matter is, we're sitting here on April 16, 1983. We have a top elevation of 640 feet surrounded in the immediate proximity by a lot of very fine homes and by a lot of people who are being bothered by them. The only thing that needs to be addressed is to be sure that the best possible living environment can be created from today through 1999 and through the year 2059 or any other year and nothing is going to be done legislatively, judicially or any other way to make the dump go away. It's there and we have to live with it. This order is the product of the best available technology and best available staff and public official efforts that can be done and it's a tough order and we're going--it's a very difficult one for us to leave. My clients pledged and committed to it and that's all I have to say.

CHAIRMAN CALDERON: I agree with you and I'm glad to hear your clients' commitment towards now finally, addressing the problem in the most responsible manner. I think it's important to focus on some of the past history with respect to lack of enforcement because I think that that's an appropriate background with which to evaluate what kind of enforcement will continue, specifically with respect to this abatement order. So, I don't think it was really futile to go into that. However, I agree with your characterization of the

problem: Here we are now, what do we do from here on out? I want to ask you a question that was submitted to me by Mr. Perez and maybe you can or cannot answer this, but I take it that under the--he asked when are they going to stop the fill and I assume that-- when is Operating Industries going to stop the dump? I take it that would be in 1984. Is that right?

MR. WOODRUFF: December 31, 1984.

CHAIRMAN CALDERON: And he asked another question which, perhaps, is maybe rhetorical more than anything else. Why was the dump allowed to go so high and you can respond to that if you wish.

MR. WOODRUFF: I would simply say that the best evidence before everyone, at that time, was that there was a crying need for landfill facilities to serve this area. Landfill, you know this have been said, it is not meant as jest or a smart remark, but it's been said on the record many times, one of the largest contributors to the landfill, of course, are the residents of Montebello and Monterey Park. It comes from the surrounding areas so we're not saying that it's because of it. The fact is, it's a necessity. We've got to have landfill, one down the road a few miles or whatever but landfills are necessary. At the time, it did not appear that raising the elevation 100 feet was going to create monumental problems.

CHAIRMAN CALDERON: I have--I want to ask you a couple of pointblank questions. Are there hazardous wastes

being accepted currently at the landfill? And do you know, have there been some accepted in the past?

MR. WOODRUFF: Well, first of all, a two part question. The question, what is a hazardous waste? The term is one of the more maligned terms in the public's vocabulary this day. You can pick up the newspaper and hazardous waste is defined and it includes, it can include such things as, water sludges and what have you. The simple answer to the question is, yes, there has been hazardous waste but not toxic and there's a clear, legal difference. And those have been very limited, by the way. Mr. Yacoub can identify them. There was a limitation down to, I think, six or seven was the maximum.

CHAIRMAN CALDERON: There have been, not so much at this hearing, but in following dialogue in the number of hearings that we referred to, there have been statements made that your client has not been responsive in terms of operating the dump in conformity with industry standards. You've indicated that your client now is committed to the terms and conditions of this abatement order. Is it your representation that the landfill will be closed pursuant to that abatement order, without fail in December of 1984?

MR. WOODRUFF: Yes.

CHAIRMAN CALDERON: Thank you very much. I'd like to call now Mr. Hinton from the California State Department of Health Services Toxic Substances Control Division, Hazardous Waste Management Branch. He is, I understand, a regional

administrator.

MR. JOHN HINTON: Yes, good afternoon. For the record, my name is John Hinton. I'm with the Department of Health Services, the Toxic Division, Hazardous Waste Management Branch of the Southern California Regional. I'm a regional administrator, so good evening and thank you Assemblyman Calderon for the opportunity to testify at this hearing.

CHAIRMAN CALDERON: Go ahead. I want you to make an opening statement.

MR. HINTON: All right. What I would like to do is outline first of all, what our area of responsibility is with respect to the site and give some indication as to our involvement to date and also outline what our participation will be from this day forward.

The State Department of Health Services has the primary responsibility in the State of California for regulating hazardous waste, its generation, transportation and the ultimate disposal and treatment of hazardous waste within the state. In connection with that authority, we have the responsibility for permitting facilities that engage in any of those activities. That is, the treatment, storage and disposal of hazardous waste. Under regulations which form the basis for the California law, those facilities that were in operation as of November 18, 1981, will allow continued operation in their interim status if they file and pay for an

application. Operating Industries filed such application and was granted an interim status document dated December 18, 1981. The State Department of Health Services, through its regional offices, conducts inspections from time to time to verify compliance with those interim status documents. In December of '82, December 29th of '82, my office conducted an inspection of Operating Industries to verify compliance with such document.

CHAIRMAN CALDERON: In 1982?

MR. HINTON: That is correct. We found a number of violations which we set forth in an administrative order to Operating Industries.

CHAIRMAN CALDERON: Was there any monitoring prior to 1982?

MR. HINTON: There was monitoring with respect to referrals that we received from the county with respect to illegal disposal at the site...disposition of hazardous materials at the site and we would follow up on those going back to the generator or to the transporter to try and seek indemnity.

CHAIRMAN CALDERON: Prior to 1982, how many questions were made--on-site inspections--by your department?

MR. HINTON: Well, prior to 1982, there is in the files, no indication of a formal inspection conducted. I might point out that Operating Industries is not a class-one facility, it is in fact a two-one facility that does not take

toxic waste. It takes a limited number of hazardous waste if they can obtain the approval of...

CHAIRMAN CALDERON: Now, Puente Hills Landfill is a class two landfill, right?

MR. HINTON: That is correct.

CHAIRMAN CALDERON: Which means that it cannot even take the hazardous waste that Operating Industries can take under its classification?

MR. HINTON: That is correct.

CHAIRMAN CALDERON: And it is also run by the County of Los Angeles as opposed to a private operator. Is that correct?

MR. HINTON: That is my understanding.

CHAIRMAN CALDERON: Now are you aware that an environmental impact report for the Puente Hills Landfill expansion to build, that there were significant amounts of halogenated hydrocarbon compounds such as methane gas, chloride, benzyne, tuolene, that were found to be emitting into the air from the site?

MR. HINTON: I am not aware, specifically, of that report. I would say that there is a probability, given the statements that I believe Mr. Camarena made earlier, in that all of those compounds are found in the residences of a lot of the cities we've had that contribute to those disposal sites.

CHAIRMAN CALDERON: My understanding is that they were found in such levels that they could not come from house-

hold garbage. My point is that you should familiarize yourself with the environmental impact report. That's the first thing. I have satisfied myself that in this landfill which is of a class which is supposed to take less hazardous materials than Operating Industries, which is run by the county, is shown to have emitting into the air these kinds of compounds. That concerns me. Does it concern you that, perhaps, there ought to be some study conducted with respect to the Operating Industries landfill to determine whether or not these compounds exist in quantities that endanger the public health?

MR. HINTON: Well, first of all, let me respond to that with a two-part answer. Puente Hills Landfill, as you mentioned, is a class two disposal site. It is not permitted by the State of California, nor by the Department of Health Services as a class one site or a two-one site. If, in fact, there was disposal of those types of materials at Puente Hills Landfill, they were done outside of any regulatory authority by the California State Department of Health Services and they do fall under the jurisdiction of the county.

CHAIRMAN CALDERON: Well, what program does your department have to ensure that hazardous wastes are not going into landfills when they're not supposed to be dumped there?

MR. HINTON: Well, we have, as I mentioned, the authority--the primary authority--for the regulation of the generation, transportation and final disposition of hazardous

waste. To that end, we have instituted a hazardous waste management system which, at least, is tended to track hazardous waste from your point of generation to your ultimate point of disposal and to the extent that that works. We are about to determine the hazardous wastes that are going into points of illegal disposal.

CHAIRMAN CALDERON: Now, is it fair to say that you have a suspicion that there may be hazardous wastes being dumped at the Operating Industries Landfill now?

MR. HINTON: There is always the possibility that hazardous wastes may be deposited almost anywhere within the state not only at landfills but by the roadside, the desert and almost any place you can mention. Operating Industries, per agreement, stopped accepting hazardous wastes on January 25, 1983.

CHAIRMAN CALDERON: Are you monitoring now for emissions which--for hazardous waste emissions--into the air from the landfill?

MR. HINTON: Well, that is the purview of the South Coast Air Quality Management District.

CHAIRMAN CALDERON: Well, how does your department protect the citizens of the state with respect to hazardous waste?

MR. HINTON: Well, through those procedures that I just outlined.

CHAIRMAN CALDERON: Have you instructed the South

Coast Air Management District to conduct this monitoring?

MR. HINTON: Well, I believe on their own motion, the South Coast Air Quality Management District has undertaken the monitoring of the atmosphere adjacent to the landfill to determine whether or not there are emissions from landfill.

CHAIRMAN CALDERON: All right. I was just trying to make sure I understand exactly what you were saying. You're saying you want to wait for some reason to go in there and monitor yourself. Is that right? You need to have some basis...

MR. HINTON: Well, if you're talking about air emissions from the landfill, that is a purview of the South Coast Air Quality Management District and I believe that on their own motion, they have already undertaken those studies and I have no reason to assume that they won't make those available.

CHAIRMAN CALDERON: Does that absolve you of any responsibility with respect to emissions of hazardous waste from landfill into the air? In other words, what are you...

MR. HINTON: I'm not...

CHAIRMAN CALDERON: Okay, what are you doing with respect to ensuring that there are no hazardous wastes or organic compounds which are being emitted into the air from this landfill that is not supposed to take the nature of hazardous waste that is taken by Operating Industries?

MR. HINTON: Well, first of all, I'm sure that I see

the connection between the two, but let me go further in my statement in saying that, with respect to closure, the regional office will have the lead authority for developing the closure plan. That closure plan will include specific measures that must be instituted by Operating Industries to assure that the counter commission of those types of substances do not continue or they are at least controlled and on a step-wide, systematic basis.

CHAIRMAN CALDERON: If we're fighting air emissions in the air emanating from a landfill, in your estimation, what is the source of those air emissions? Is it fair to say that they're stemming from hazardous wastes being dumped at the site?

MR. HINTON: Well, there are emissions that are hazardous that occur from natural decomposition which handles the refuse, first of all. If there are hazardous emissions coming from the landfill, I think it's abundantly clear that those emissions probably originate from a little past disposal of hazardous materials in the landfill.

CHAIRMAN CALDERON: Therefore, in connection with your efforts to protect against improper dumping of hazardous wastes, is there any system, any program, that is being used by your department which monitors landfills to ensure that hazardous wastes are not being dumped there when it is illegal to do so? How do you know people aren't dumping hazardous wastes in landfills illegally? I mean, how do you know?

MR. HINTON: Well, first of all, landfills within L.A. County, class two land fills are under the umbrella--the enforcement umbrella--of the county. That's number one. That's probably the basis for any other statement.

Secondly, the department has a unit that regulates the transportation of hazardous waste within the State of California which periodically conducts, what they call line inspections, which are essentially spot checks of incoming vehicles to ascertain whether or not they are carrying hazardous waste, whether or not the loads that they are carrying conform to the manifest that they're carrying.

The third method is the manifest system itself in that the generators of hazardous waste are required to complete the manifest which essentially is a tracking mechanism to determine whether or not the waste generated goes to the point that they want to manifest.

CHAIRMAN CALDERON: All right. Let's cut through all this stuff. Bottom line. Under the Hazardous Waste Code, Title 22, of the Health and Safety Code, you are charged with the responsibility--the legal responsibility--to act to protect the health and safety of the public.

MR. HINTON: That is correct.

CHAIRMAN CALDERON: Are you willing, with respect to Operating Industries, to monitor, to ensure that there are not hazardous waste emissions emanating from the landfill? I don't know that there are and I'm not suggesting that there

are, but I am suggesting that this problem or issue has really not been raised at any of the hearings and I think that given what appears to be a checkered past in terms of the regulatory enforcement of the dump, it is highly possible that there could be--or at least suggest that there ought to be--some testing in this regard to determine whether or not there is a hazard, because if there is it ought to be dealt with with an abatement order if that's the way to handle this problem. And so, my question is, are you willing to monitor for hazardous wastes, or hazardous air emissions in concentrations that would be high enough that would endanger the health and safety? I realize that the South Coast Air Quality Management Board has responsibility for monitoring air emissions. What I want you to do is to determine whether or not there is any hazardous waste being dumped at the site. We're told that there is not by the representatives of Operating Industries and I simply would like a second opinion. Are you willing to do that?

MR. HINTON: To the extent that we can, we will commit to making periodic inspections at Operating Industries Landfill both at the landfill itself and lane inspections of incoming to determine whether or not there are hazardous materials being dumped there.

CHAIRMAN CALDERON: Thank you very much. I want to now call upon the representative from the California State Department of Health Services, the Sanitary Engineering

Section. I believe it's Steve Takahashi.

MR. STEVE TAKAHASHI: My name is Steve Takahashi and I'm with the California State Department of Health Services, Sanitary Engineering Branch and I'm an Associate Sanitary Engineer...because other people who work these areas are not available.

CHAIRMAN CALDERON: Do you wish to make an opening statement?

MR. TAKAHASHI: No, I don't. I was just here to-- they said someone might want to ask me questions.

CHAIRMAN CALDERON: I want to know what it takes to get the County of Los Angeles to come in and monitor to determine whether or not there's any health hazards presented by a landfill when there's obvious complaints surrounding that landfill for years and years and years.

MR. TAKAHASHI: I cannot talk for the county since I do work for the state.

CHAIRMAN CALDERON: All right. Let's take the state. What is the history of regulation by your department with respect to this landfill?

MR. TAKAHASHI: Well, this is another point where the agencies--I think you're confused with the agencies. Our branch essentially regulates domestic water suppliers. We have no regulation over the landfills.

CHAIRMAN CALDERON: So you have no involvement with respect to any landfills, to health hazards?

MR. TAKAHASHI: We get involved if there is some indication that it is getting into a domestic water supply and I believe you do have that letter from John Gaston, my Chief, with respect to...

CHAIRMAN CALDERON: That letter indicates that there--I requested whether or not wells in the City of Montebello were tested for the purpose of determining organic chemical contamination. His response indicated that in 1980, I believe, there was an overall investigation in the San Gabriel Valley and wells in Monterey Park. It was determined they did not contain any levels of contamination that would endanger health. He did not address themselves to the City of Montebello and so that's what I was most interested in. With respect to the wells in the City of Montebello, there hasn't been any testing by the State Department of Health to determine that there's no chemical contamination.

MR. TAKAHASHI: When I was given the letter yesterday I noticed the same thing you did. I tried to find some chemical data that we could with respect to some of these other things. Like I said, (INAUDIBLE) in the last few years, and therefore, we're not really looking into because of our regulations as to certain types of things that we were looking for in...I do have here a copy of the...one of the wells is in the--I believe it might be one of those wells circled, I'm not sure.

UNKNOWN VOICE: Do you know which well?

MR. TAKAHASHI: No, I don't. Like I said, I'm not familiar with this area. Twenty-five D is the intensive Montebello four day monitoring program and they put out a report on it every year.

CHAIRMAN CALDERON: Excuse me, sir, can you identify yourself?

MR. TAKAHASHI: But, if Mr. Yacoub is right and the...goes away from him then...but these results show that there has been no contamination as far as that is...

CHAIRMAN CALDERON: In well 25D?

MR. TAKAHASHI: Right.

CHAIRMAN CALDERON: That's a good question. What did you test for?

MR. TAKAHASHI: It wasn't we that tested...this isn't considered Montebello--and we do receive all the results from different agencies. The...is put into the water supply ...is back from sampling the wells and submit the reports and it must be done by a certified laboratory. As far as what was sampled in it they took the (INAUDIBLE) as well as what is known as inorganic--as well as the general mineral solvents.

CHAIRMAN CALDERON: Would you like to have this copy made?

MR. TAKAHASHI: Yes, I would.

CHAIRMAN CALDERON: We'll have well 25D identified when Mr. Goeden testifies. So, your involvement with respect to this landfill is only in the area of drinking water?

MR. TAKAHASHI: Right.

CHAIRMAN CALDERON: It's been pointed out to me and it kind of jumps out at you that there was no (INAUDIBLE) .

MR. TAKAHASHI: Our TC was tested in that intensive program that Mr. Gaston mentioned in his letter and no significant groundwater contamination was found in Montebello wells as I understand.

CHAIRMAN CALDERON: Well, based on his letter, he said there was no contamination of wells in Monterey Park. But he didn't address himself to Montebello. Do you know specifically that the wells in Montebello were sampled?

MR. TAKAHASHI: I believe that's what the engineers who worked this area did tell me and that they could not find significant amounts of (INAUDIBLE) what somebody referred to as a significant...

CHAIRMAN CALDERON: Can you provide my office with all sampling data conducted by these individuals of various water districts or water companies as well as any independent sampling that the State Department of Health has done with respect to wells in Montebello, and the results? And what would be the state's responsibility if further testing was requested?

MR. TAKAHASHI: Well, that I will have to take up with my superiors as to what testing that would be required and our laboratory people, depending upon what testing is required.

CHAIRMAN CALDERON: Now, the testing done in San Gabriel Valley was done by the State Department of Health?

MR. TAKAHASHI: Right.

CHAIRMAN CALDERON: And, that was because it would cut significant concentrations of TCE - it was discovered in the drinking water of some of those wells up there. So, in other words, in a situation where there is an obvious health hazard, the State Department of Health will get involved directly. Short of that, they require the local water districts or water companies to do their own monitoring and submit a report.

MR. TAKAHASHI: The thing with the TCPC problem was that it was such a thing that all the agencies, not only the State Health Department was involved, but also the Regional Board and some other agencies with respect to that and we have to try and find out what was the cause of that first of all since it was such a widespread contamination and not a local one.

CHAIRMAN CALDERON: Given the proximity of the wells to the dump, would the State Department of Health itself be willing to sample those wells to determine and ensure that there are no organic compounds or other toxic chemicals or chemical contamination in the water that would present a health hazard?

MR. TAKAHASHI: That would also be up to my supervisor. I couldn't give you an answer.

CHAIRMAN CALDERON: What is his name?

MR. TAKAHASHI: Gary Yamamoto.

CHAIRMAN CALDERON: Thank you. I have no further questions. Thank you very much for testifying. Now, I'd like to call Mr. Coffee from the L.A. Department of Health Services.

MR. CHARLES COFFEE: My name is Charles Coffee, Chief Sanitarian - Program Director for the Environmental Management Program, L.A. County Department of Health Services.

I have a prepared statement. I gave a copy to your staff. I'd like to read that now if I may.

CHAIRMAN CALDERON: Yes, please proceed.

MR. COFFEE: The letter is addressed to the Honorable Charles M. Calderon, Assemblyman, 59th District, State Capitol, Sacramento, California.

Dear Mr. Calderon:

The County of Los Angeles, Department of Health Services, has been involved in the regulatory agency with the Operating Industries, Inc. landfill since 1954. Our files indicate that this department provided comments and recommendations on waste discharge requirements issued to the facility operator in 1954 by the Regional Water Pollution Control Board #4 and on an industrial waste permit issued in 1957 by the Los Angeles County Engineer. This latter permit became invalid when the area continual landfill was incorporated into Monterey Park. Department staff were not involved in the

local land use approval granted to the landfill operator in 1958. However, staff did attend the hearings in 1975 regarding the modification of the land use permit and were not asked to testify. Our records indicate that for the period of November 1967 to August 1977, department sanitarians conducted approximately 53 routine inspections of the landfill. The inspections were to determine compliance with applicable sections of the Los Angeles County Public Health Code. The particular sections of the code that were enforced relate to insect and rodent infestation or breeding and provision of adequate toilet facilities and drinking water supplies. On June 17, 1977, in accordance with Section 66796 of the California Government Code, the Monterey Park City Council designated the City Department of Public Works and the County Department of Health Services to act as their local co-enforcement agencies for solid waste management matters. Local enforcement agencies are responsible for enforcement of the state minimum standards for solid waste handling and disposal, Title XIV California Administrative Code, in preparation and enforcement of the Solid Waste Facility Permit required of all disposal sites. The Department of Public Works is responsible for enforcing only those standards which relate to solid waste management while this department, the Department of Health Services, was responsible for enforcement of the health related standards. The State Solid Waste Management Board approved the enforcement agency designation on August 31,

1977. On January 2, 1979, the City Department of Public Works and this department jointly issued a solid waste facility permit for operating for the Monterey Park Landfill. The permit was concurred in by the State Solid Waste Management Board on December 14, 1978. State law requires that solid waste facility permits be reviewed and revised, if necessary, every five years. Permits for Operating Industries, Inc. landfill will be reviewed and revised as necessary early in 1984. On November 13, 1979, Monterey Park City Council adopted a resolution withdrawing the enforcement agency designation made in June of '77 and at the same time, designated the County of Los Angeles Department of Health Services as the sole local Solid Waste Management Enforcement Agency for the city. The new designation was approved by the State Solid Waste Management Board on December 13, 1979. Since January, 1980, staff from this department have conducted routine inspections of the landfill on a frequency of at least twice each month to determine compliance with permit conditions and the minimum standards. In addition to routine inspections, staff have conducted complaint investigations, special and/or joint inspections with members of other governmental agencies of private firms and inspections to ascertain compliance with previous orders. Last year, staff were directed to conduct daily inspections of the landfill in order to make more accurate determinations of the adequacy of daily cover, the existence of open excavations or erosions of cover

material, and any other situation which constitutes a violation of the facility's permit and/or the state standards. On September 10, 1980, following notification from the State Solid Waste Management Board that landfill be composition, gases were migrating beyond the boundaries of the landfill into the adjacent residential neighborhood and creating a potential safety hazard, this department directed Operating Industries, Inc. to design a gas migration control system. In November 1980, the consulting engineer for Operating Industries, Inc. submitted a proposal for a gas migration control system. However, this was judged to be inadequate and was rejected by this department. In December 1980, the department issued an order to Operating Industries, Inc. to submit plans for the gas migration control system to the department by December, excuse me, January 21, 1981. The order directed Operating Industries, Inc. to cease landfill operations immediately and to submit plans for a gas migration control system to the department within 30 working days. Operating Industries did not cease landfill operations, however, plans and designs for the first phase of a four phase gas migration control system were received by the department on January, excuse me, February 26, 1981. Plans and designs for the system were reviewed by department staff and staff of the State Solid Waste Management Board. Approval to begin construction and installation of the first of the four phases of the system was granted on March 31, 1981. The first phase

of the system was completed and began operations successfully, began operating successfully with only minor down time for repairs and maintenance since that date, and final approval was granted by the department on January 19, 1983. Plans for the remaining phases, II, III, and IV of the gas migration control system, were received in October, 1982 and were approved by this department and by the State Solid Waste Management Board in November, 1982. And as of this date, all 19 wells have been drilled and 17 of the 19 wells have been connected with the system. We've been advised by Operating Industries' consulting engineer that the system will be completely connected and fully operable by April 22, 1983. Mr. Camarena has already stated that the system is now complete and has been installed and is operating now. So, that April 22 does not apply anymore. In order to evaluate the effectiveness of the system, we will receive monitoring data on the monthly basis from the consulting engineer. Our approval of the system will be based on an evaluation of the monitoring data. Our approval of the entire gas migration control system is conditioned upon continuous satisfactory operation and performance. If, at any time, the monitoring data indicates that the system is not performing satisfactorily, we will direct Operating Industries, Inc. to take steps, such as expanding the system, adding more wells or any other appropriate measures which will reduce the level of migrating methane gases to less than the lower explosive

limits. Lockman and Associates, consulting engineers for Operating Industries, Inc., has provided monthly landfill gas monitoring reports to this department since September, 1980. Progress reports, which include monitoring results regarding insulation of the first phase of the gas migration control system were provided by the firm in January, February and March of 1982. We have received monthly monitoring reports indicating the effectiveness of the first phase of the system since January, 1983. Since November, 1982, Lockman and Associates has provided this department and other concerned agencies with a weekly progress report regarding the status of odor and environmental control efforts at the landfill. In December, 1982, the Department of Health Services met with the other responsible enforcement agencies to develop a common plan of operations to manage the landfill. Several meetings and public hearings of the concerned agencies, representatives of Operating Industries, Inc., and citizens groups resulted in an abatement order which was adopted by the South Coast Air Quality Management District on April 6, 1983. The County of Los Angeles Department of Health Services is involved in the enforcement of the order and will continue to make daily inspection of the landfill facility to assure compliance with the requirements of the order and all other applicable laws and regulations. Thank you for giving me the opportunity to testify at this hearing. I'm available to answer your questions.

CHAIRMAN CALDERON: I want to clear something up. From the time that the landfill started operation in 1948, based on this summary and based on your opening statement, can you summarize the different state and local agencies that have had regulatory jurisdiction up to 1970?

MR. COFFEE: Well, our records disposition directives...we destroy all our inspection reports and so forth, any that are over five years. But in this case, we have retained some records. Now, mainly it goes back to 1954. There was this Regional Water Pollution Control Board #4 which, I assume, preceded the current Regional Water Quality Control Board. I believe the county engineer was involved for a period of time because there was a short time in that area when all or part of the landfill was unincorporated, and at that time, the county engineer would have had some authority as far as an industrial waste permit. The City of Monterey Park in their additional use permit certainly had regulatory authorities from the time in 1958 when that was first issued, and our department...I can only state that we have some records that show that inspections were made in 1968, and I don't know what occurred before that. We do have a contract for--to perform certain health functions in the city. The city has adopted our public health ordinance and prior to the enactment of the state's minimum standards, all we had to enforce in the city was those sections of the county health code which related to rodent and insect investigations and

provision of toilet facilities and drinking water supply. That's all we had. We had no authority to do anything else.

CHAIRMAN CALDERON: Up until what time?

MR. COFFEE: I believe the enforcement legislation was passed in 1976, and then the enforcement agency designations were made in June, 1977. And, if it's on June, 1977, we could at least enforce those minimum standards that were considered to be health related.

CHAIRMAN CALDERON: And up until that point, the only other jurisdiction that would have had regulatory enforcement responsibility would have been the Water Board and the City of Monterey Park?

MR. COFFEE: And, for some period of time, possibly the county engineer, and that's all that I know of.

CHAIRMAN CALDERON: You're not aware of any monitoring done by your department between 1948 and 1968?

MR. COFFEE: I'm not aware of any.

CHAIRMAN CALDERON: How about any other agencies?

MR. COFFEE: I have nothing in our files that would allow me to say that I could be aware of any from any other agencies either.

CHAIRMAN CALDERON: Explain to me how the different jurisdictions--let me ask you, from your standpoint, we've heard from a number of representatives of various governmental agencies--the air people, the water people, the state health people, the local county health people, the solid waste

people. In terms of your enforcement of health issues, would it be beneficial to place regulation of landfills under one centralized agency?

MR. COFFEE: I'm not exactly sure because there would have to be the expertise available through that agency to evaluate all those various concerns, whether it's air, water, solid waste management, what have you. There would have to be certainly either staffing from all those agencies or expertise available, readily available from them for advice on any condition that would arise.

CHAIRMAN CALDERON: You indicated in your opening statement that from November, 1976 to August, 1977 the Department Sanitarian has conducted approximately 53 routine inspections of the landfill. Now, were all these inspections of the same nature? Did they look for the same things each time they went to the landfill? Break it down for me, what did these inspections consist of?

MR. COFFEE: Well, as I stated before, I was operating with the people who worked with me because I was one of those sanitarians. We were operating under instructions from essentially the chief and he said--he advised us we had very limited authority as far as the public health code and each inspection would involve--would have involved observing the working phase, completed parts or other areas of the landfill for any indication of rodent activity and that would be for rats and mice or any indication of infestation. There would

be investigations as to whether there was any fly breeding, were there flies being attracted to a leading facility in what we were to judge as being significant numbers and then whether or not the facility provided a drinking water supply and had adequate facilities for the person using the landfill and their employees. We were also instructed to make any observations for whether there was any illegal salvaging of food items and drugs and cosmetics and this type of thing.

I don't recall ever observing any indication that there were ever rodent infestation or any evidence that rodents were even there. We never saw them.

CHAIRMAN CALDERON: Let me ask you this. Did you have anything to do with the expansion of the landfill?

MR. COFFEE: No, sir.

CHAIRMAN CALDERON: What is your opinion, aside from any potential dangers which may or may not exist with respect to migrating methane gas? What is your opinion as to the health and safety of the people surrounding the landfill? Is it safe for them to be there?

MR. COFFEE: Well, first of all, I'm not a medical person, so I could only state what the medical people have told me, and that is in, and also try to relate, for instance the State Health Department's study regarding the facility. They don't believe that there's a significant level of any emissions at that landfill that would constitute a health emergency. Our medical people have stated to me that they do

not believe that the odors are a source of health problems, and that's all I could say is what they have told me.

CHAIRMAN CALDERON: Okay. What does it take to get a doctor to make a determination?

MR. COFFEE: I would assume that you would have to ask one. That's the only thing I could say.

CHAIRMAN CALDERON: Have you ever asked one to come out here and take a look?

MR. COFFEE: No, I haven't.

CHAIRMAN CALDERON: Okay, now, you are familiar with the complaint, I'm sure, that at least one person talked about it. Vomiting and nauseated feelings that one gets that some people testified to, burning sensation in their throat. Has it ever occurred to you to investigate to determine whether or not there is a health hazard based on those reports?

MR. COFFEE: It certainly has occurred to me and I certainly have asked our Chief of Communicable Disease Control Division about that and she maintains that there is no justification for conducting a health study. They think that our department has been asked both by West Covina and by Montebello to perform a health study and I believe that the response made in both instances was that there isn't sufficient evidence to warrant such a study.

CHAIRMAN CALDERON: What does it take for instance?

MR. COFFEE: I don't know what it takes. I believe that this is something that would have to be taken up with the

director of the department.

CHAIRMAN CALDERON: Well, if I were to request that a study be conducted to tell whether or not there was a health hazard, would that be sufficient?

MR. COFFEE: I don't know. I certainly can't commit the Department to study. This would have to be something taken up with him.

CHAIRMAN CALDERON: So you really can't say. Is it fair to say that you really are the lead governmental agency that would have an opinion as to whether or not there is an unhealthy condition created for people who live by the landfill? I'm not talking about the drinking water, I'm not talking about the air. I mean, which is the agency that stands up and says there is or there is not a health problem? People's lives are being jeopardized or not being jeopardized? Who stands up and has that responsibility?

MR. COFFEE: It would seem logical to me that our department would have some of that responsibility, but I don't think that we would take the responsibility on our own. We would--there would have to be some review of whatever results we came up with. I would assume that and at least ask the State Health Department as to whether we were taking a proper action.

CHAIRMAN CALDERON: I assume that if there was an increase--and I'm not suggesting for one minute that this is the case with respect to the Monterey Park Landfill--but I

would surmise that if there was a growing incidence of cancer in residents that live around the landfill, or if there was an increase in, for instance, miscarriages, if people were starting to die, I believe that that would cause great concern among the L.A. County Department of Health, and there probably would be some kind of study. I'm concerned that nothing short of that, it would appear, brings in the L.A. County Department of Health to determine the welfare and safety of citizens in the county. That's what I'm concerned about the most. It may well be there is just simply an odor problem here. It may well be that there is simply--and it is not so simple--but there is only a gas migration problem, which creates safety problems but which can be addressed. That may well be the extent of it. But on the other hand, there is drinking water that could be affected, there is air that could be affected, there is a checkered past when it comes to regulation by local and state agencies of the operation of the landfill. And there are complaints from residents. And it would seem to me that, if even for the sake of Operating Industries, I'm sure they in no way would want to jeopardize the lives of people. And even if Operating Industries believed that they got the short end of the stick on that particular, they would not want to jeopardize lives and I don't think the L.A. County Department of Health wants to jeopardize lives. But what does it take to get the County in here? That's what disturbs me and it seems to me that all it does is foster allegations

which may be unsubstantiated and heightens the overall level of emotion and for the lack of a better term, paranoia among the community. And it would also make govenment's job a little bit easier in addressing the problems. I'm making a statement, but I also present a question: What does it take to get the L.A. County Department of Health to come in here when the Superintendent of schools is saying that they're receiving complaints from the children in schools? What does it take to come out and determine, at least within reasonable limits, that there is or is not a health hazard to those kids? I realize that it's a statement that I'm making but I would like you to respond to that statement.

MR. COFFEE: Well, in the first place, I tend to agree with you but you're putting me in a difficult position of trying to speak for the department, not only the department head but the county, the Board of Supervisors also, and all I can say is that I know this has been discussed before by the appropriate people. It involves epidemiology which I am not a part of. I'm in environmental management and I'm not a epidemiologist. I don't pretend to be. I know that in the discussions we've had that such a study involves a considerable expense, it involves considerable time and it's very difficult, at least I've been told, to get unbiased answers to a survey.

I'm told it would involve two cities because we would have a control group which would involve a city similar

to Montebello in asking them the same questions that were asked here and it becomes quite an involved, expensive thing to do which I assume with the epidemiologist is necessary, obtaining medical histories of at least everybody that's around that landfill and then trying to extract from those medical histories conditions that were pre-existing, conditions that may have been entirely made up. This is purely my opinion but I would say that it might be very difficult to get everybody out there to, since they're to a person opposed to the landfill, to maybe come up with objective, honest answers as to whether or not they were really--had conditions that they felt were caused by the landfill. But this is what makes it difficult and, like I say, I can't really give you a good answer to that question.

CHAIRMAN CALDERON: What is going to be the L.A. County's--you are not the designee by the Solid Waste Management Board for enforcement and monitoring for purposes of detecting health hazards and inspecting this landfill. Is that correct?

MR. COFFEE: That's correct, yes.

CHAIRMAN CALDERON: What is going to be your role under the abatement order in terms of -- you indicated that there's self-monitoring going on. What independent monitoring is your department going to conduct to assure the enforcement with the provisions of the abatement order?

MR. COFFEE: What we intend to do, and I am also

certain we will do, is that two sanitarians that I intend to -- one will be going four days a week and the other one day -- so there'll be five days a week inspections. They will be arriving at the site at different times each day they go. They will be looking not only for what we feel are our responsibilities in the abatement order, and that's primarily adequacy of that gas migration control system, but there are other things such as daily cover and so forth that they will be looking for. Besides, we will be making inspections to insure compliance with the state's minimum standards, any item that is not in the abatement order.

CHAIRMAN CALDERON: So you're indicating you'll have two sanitarian engineers out there on a weekly basis?

MR. COFFEE: Well, they're not engineers. They're registered sanitarians, registered with the State Health Department as sanitarians and they won't be two together but there will be one man one day and then another man will go out four different days. They will be there as long as they need to be, each day to ensure that they've covered the entire site.

CHAIRMAN CALDERON: So, you're saying there will be a representative of your department there every day?

MR. COFFEE: Correct.

CHAIRMAN CALDERON: Of the week.

MR. COFFEE: Except the weekends.

CHAIRMAN CALDERON: Except the weekends throughout the life of the abatement order?

MR. COFFEE: Correct and if necessary beyond that. It just depends on how the situation is.

CHAIRMAN CALDERON: Very good. I have no further questions. Thank you very much. I wanted to go straight through without a break but I think since it's been taking longer than anticipated, I'm going to take a 15 minute break and we will resume with testimony from residents and the city of Montebello, and we have here some representatives, city council members from Monterey Park, who will be speaking--I believe--on their own behalfs. You'll be first when we start again, Councilman Almada.

(Following 15 minute break)

CHAIRMAN CALDERON: I want to reconvene this hearing. I would like to instruct the Assembly sergeants to gather any individuals who are still outside and bring them in, if that is their desire, so that they can be seated while we call our next witness. I'll indicate at this time that we'll have testimony from several local officials either speaking on behalf of their jurisdictions or on behalf of themselves. We have representatives of the City Council from Monterey Park, the Mayor, Louise Davis and City Councilman David Almada. We have also, Councilman Bill Molinari who, unfortunately, got left off the agenda, and was supposed to be on the agenda, and we apologize for that but certainly he has been in the forefront of this issue. I'm also informed that Lily Chen, City Councilwoman from Monterey Park will make a

statement through Pat Rush with respect to this issue. So at this time, I'd like to call upon Councilman David Almada.

COUNCILMAN DAVID ALMADA: Thank you, Assemblyman Calderon, and thank you for this legislative hearing. I am David Almada. I live at 702 South Ynez in Monterey Park and I am a Councilman in Monterey Park and am speaking as an individual. Thank you for your letter of invitation. I share many of the concerns outlined in your letter including whether we have laws existing from both the state and federal level and local level that protects the public from any problems that may be associated with the landfill or dumps. I share your concern on the possible health hazard question. I am a school administrator and working with youth for many years, of course, that is always a concern. And just to say that not too long ago in Camilla Boyle Heights where I was administrator, we did have a health hazard that was declared by the county involving toxic wastes and I shared that concern like many of us did who either lived or worked with the community there in Boyle Heights. And I'm also very interested in what follow-up between local, state and federal government to this concern and problem.

I am a new City Councilman. I was elected just a year ago, as a matter of fact, on April 13th, so I just had my first anniversary on being on the Council. I want you to know that back in October, I believe it was in October, I expressed my concern in regards to the landfill issue as a matter of

public record. I was concerned and am concerned about the health and safety, not only our own residents of Monterey Park but also my neighbors of Montebello. It is now having a concern with the problem and I have not seen myself as an adversary, whether it be of HELP or the City of Montebello or the county or anybody else. I shared the concern and I stick to it. The how to, then, becomes my main consideration and that is the key for me. How do you close the dump in the most effective manner? It's not a question of whether the dump or landfill should be closed. It's a matter of how.

I'm on record as being in favor of closing the landfill. I have, of course, gained more insight, more experience by researching, talking to different individuals including residents from HELP and others and I think that I'm more familiar at this point than I was when I first started on the Council. On the other hand, I don't pretend to be an expert. I'm not an engineer, I'm not a medical doctor, etc. I see that there has been a past lack of coordination among the city, county, state agencies. That to me is very obvious but without, perhaps, trying to cast stones as to who's to blame for what, although I personally feel that we could get an independent person or independent agency to come in and research this and really see how things all stack out whether it involves the City of Monterey Park, the City Monterey or Los Angeles, or the State of California for that matter. I think that could be done and the record could be cleared on

all of them and perhaps maybe it should be done if that's what we want to do. But I'm not sure that we want to do that. I think that we want to get on better ground and solve a problem. I can't believe that there is no health problem associated with a landfill. I think that you just have lousy individuals. I would think it's going to have an effect especially on young people and our senior citizens. Not whether it's toxic or the most dangerous type thing is another matter but I think it is obviously a problem including a health problem and I'm kind of surprised that it would take people to be dying for the County of Los Angeles to come in and I think that your statement that operating this business as a group of individuals who have made an investment would, I'm sure, share that same concern as you pointed out. I don't think anybody would want to have people dying and I'm not saying anyone has to die or will die because of the landfill, but it's something that I couldn't honestly answer one way or the other and I would think that the County of Los Angeles would get involved in this because it's not just Monterey Park's problem. That's another thing I sincerely believe. It's a county problem. The City of Montebello was part of L.A. County. Alhambra, many other communities are using the landfill and have been using the landfill for many, many years dumping their trash. So it's a county problem and I don't think anyone should just try to lay blame on the City of Monterey Park, not that we don't share in the problem, we do.

As a new Councilmember, I asked that the new Council--we have three new persons--we did have two veterans on the council, one of them is here, our Mayor, Louise Davis, but I felt that as a new council member and my two other colleagues that were new shared my concern, that I felt we needed a workshop and that's where the - then the first time I met people like Mr. Danzig and started then really researching this issue.

We did have a workshop that I requested. It then came that Lily Chen then added to it and said, "Let's get all the county agencies to continue coming." We had several of them at the workshop that we held on a Saturday. In fact, HELP also was there at that particular session and also our Congressman, Marty Martinez, was there at that session. Out of that then, the county agencies were contacted by our City Manager, Mr. Lloyd de Llamas and the fact is that all the county agencies did come together for several sessions. And it was also our City Manager's recommendation that there be an abatement order. I think the City of Monterey Park, under the present City Council, has taken some definite steps.

I can understand the concern of the people who are most immediately living next to the landfill and why they would be emotionally concerned as well in the issue by the fact of the proximity to the landfill, but that's not to say that an individual like myself has no involvement with the landfill because especially this past summer I have smelled it myself so you know it is a problem, it is a problem. Again,

not trying to cast any blame but it's there. We do have a South Coast Air Quality Management District abatement order at the present time and I've said publicly many times before the City Council, just a month ago, that if I have anything to do with the City Councilperson in Monterey Park that we are going to solve a very vexing and complex problem. I may not be in favor at this moment of an immediate closure of the landfill and my position on this has evolved, but because I don't think that that's necessarily the thing to do because I have had enough expert testimony not only from my own City Manager and officials in Monterey Park but other officials, including the county, that indicates that that perhaps is not the best thing to do.

My responsibility is to the people that I represent and also my neighbors as a public official, and therefore, whatever my position is I would hope the people would think it is based on reflection, research and a genuine concern and not for any other motive, because I have none. I'm in favor of the landfill closing by December of 1984. I'm in favor of the consistent plan of action be taken not for the 20 months or so that we have between now and that date but also for the next 30 to 50 years. I think that the City of Monterey Park alone cannot be involved in this. I think the City of Montebello and other cities that have used the landfill should share some responsibility and also more importantly the County of Los Angeles should be involved. I would hope that our supervisor,

Mr. Edelman, is also involved in this issue. There's a \$6,000 fine for any infraction of the abatement order. Anyone who knows mathematics can quickly add and see that it can come into way over a million dollars for a year if they were fined every year and if we're really serious, it could be done.

I can't help but think that that is some reason for Operating Industries to then, obviously then, stick to the timetables that are set out by, not by the City of Monterey Park, but by the South Coast Air Quality Management District which did have intensive hearings, which did hear from many, many people and officials and then issued their independent decision.

Now monitoring is need. There's no doubt about that. The City of Monterey Park and the City of Montebello, the officials, starting with the City Council and also because we do have a city government that involves city managers and staff. We set policy; they carry out policy. We're going to have a talk together and I can definitely say to you that there are some blocks there and we haven't been talking together. Sometimes when we have, it's probably a little hot and I've only been on for a year so it's not that I've been involved in that process, but just in my short time I can assure you that there is a need for communication and quit blaming each other and let's try to do something. I wasn't on the City Council 10 or 20 years ago and I'm not trying to put the blame on anyone. But the fact is I'm on the Council now

and I can only do what I can, do the best I can now, given the situation. The county agencies and the City of Monterey Park, Montebello will have to communicate and continue to communicate. We've begun this communication. I think now the state comes into it and I think my City Manager, Lloyd de Llamas, sent you a letter with some recommendations in that area.

I think there are some things that the state can do because there is a responsibility, federal government also. There have been some ideas tossed out possibly involving the federal government. I think that your role as our Assemblyman, Mr. Calderon, would be to continue this process, to exercise leadership, to bring us together so that we can solve the problem on a long lasting basis for all the citizens whether they live in Montebello, City of Monterey Park or surrounding communities.

And I spoke to Mr. Rangel, who's also a city planner I understand, and he also has some concerns as to our future land utilization once that landfill is closed. We need people like him who are experts in that area to begin forming committees. And let's talk to each other so we can solve this problem. So in any case, I would hope that including members of HELP--and I remember going with Mr. Yoshitake the first time. I would hope that the City of Monterey Park has not been indifferent. I would hope that they understand that if they feel the City of Monterey Park has made mistakes, that you do have a new City Council. In fact, I know for a fact

that two veteran city councilpersons were also not on the council when a decision was made to increase the height so I think in that spirit then I offer my continued assistance and I'm available to go to the landfill at any time other than my work hours at school but including weekends or any vacation time that I might have and any assistance I can give you as our Assemblyman, I'm prepared to offer that. Thank you.

CHAIRMAN CALDERON: Thank you, Councilman. Thank you very much. I applaud your comments. I agree that we need to take some steps in the area of bringing the two cities toward the same goal which I think they've always had and to cut through some of the differences that may have existed in the past. I will lend whatever support I can towards bringing the cities together to work for a viable solution that addresses the problem.

I want to ask you if -- I believe you have stated your commitment to the abatement order. I believe that the abatement order at least is a mechanism in place that may well be the best vehicle in the last analysis. I'll reserve judgment. But assuming that you're convinced that the abatement order just isn't working and, given the fact that you've gone on record in terms of landfill closure, would you then support the closure of the landfill with whatever authority you might have as a city councilman?

COUNCILMAN ALMADA: Yes, I would.

CHAIRMAN CALDERON: Thank you very much,

Councilman. I'd like to call upon -- now normally I don't do this with mayors. I've learned in the last four months that mayors always go first, except that Councilman Almada has been waiting here for a substantial period of time. I saw Louise Davis, the Mayor of Monterey Park, here, and I would like to ask her to come up at this time, extending my apologies for not observing protocol in this instance.

MAYOR LOUISE DAVIS: Thank you, Assemblyman. No apologies necessary. I'm pleased to be here in one way and it's unfortunate that this has continued on for as long as it has. I'm Louise Davis to clarify it again, Mayor of the City of Monterey Park. The City Council of the City of Monterey Park, I believe, finds itself in a very somewhat embarrassing position because as Councilman Almada pointed out, none of us was on the City Council in 1975 when the height limitation was raised to 640 feet. I was on the Council subsequently in 1978 when the decision was made to put the jurisdiction of monitoring out of the hands of the City of Monterey Park and I'd like to just explain that particular situation.

We were aware at that time that there were problems over there and because of the limitations on money and manpower, we felt that we did not have the expertise that was necessary to monitor that landfill, into the county's hands.

I have gone on record many times to say that I have felt there has not been the type of monitoring that I had anticipated. I think it's fallen a great deal below what

everyone had expected in that regard. Now whose fault that is, it's hard to place the blame. That is true. Because I have detected in your voice from time to time this afternoon a certain amount of frustration when you are questioning the representative of these county agencies only to find out "that is not within my jurisdiction, that is within their jurisdiction." When it comes out of the ground, it's in one jurisdiction. It's difficult to pin anybody down on this and if nothing came out of this whole hearing but to get their act together so that someplace along the line somebody can say, "the buck stops here," and get all the information generated together so we can resolve this problem.

This has become a dog and pony show in my mind. We have heard this so many times, and still and all today there are county representatives here that have been asked the same questions over and over and over again and they still haven't found out the answer today. So, it indicates to me there certainly has to be a change in the operations. Yes, I am casting blame I would suppose. I would say that Operating Industries is a business. Now taking myself as just a resident of a community, if I'm driving down the street and I go through a red light, I am not going to go over to the nearest police station and turn myself in. It's up to the agencies responsible for monitoring. And if they're not doing it -- I mean if nobody hears from anybody, they are going to continue to operate their business the way they always have

and that's the way that it is. It has to be monitored.

It's been my observation, and I want to take this opportunity to commend the people that have been involved in the tenacity of the HELP organization and I thank you too for following up on it here today. But if it wasn't for them, things would be just going on and on and on as they have since 1947. We have heard that old story about why did the City of Montebello allow them to build houses along the outer ridge. I don't know the answer to that either but I know that this odor and this problem encompasses far beyond that outer ridge. It's affecting people who have lived in Monterey Park and in the southern part of Montebello that it's never affected before. It's affecting them now so we'll just forget the people--I mean--not forget the people on the outer ridge but I'm just saying it has brought--they are the people that have brought to everybody's attention, and we have to thank them. But it also is causing a great amount of problems in South Monterey Park as well as all the way down in South Montebello. So I'm just saying that something has to be done. I guess I have covered just about everything that I really wanted to say except that I feel a great frustration about this. The City Councilmembers attempted to call our own public hearing to study this situation this past year but we were told by the City Attorney that that was not within our jurisdiction. So actually our hands have been tied. We have nowhere to turn. I appreciate the South Coast Air Quality's

hearing but I was very disappointed to know that that Board, with one exception, didn't come down and visit the on-site inspection of the dump. I don't know how anybody can make a determination without ever having gone near the site. It's difficult to understand. Maybe subsequently they did but at the hearings that I attended, they had not visited the site and I'll tell you it is hard to describe.

I have visited the site within the past two weeks and I must say that there has been a great improvement over there to the facilities. I certainly will have to make that statement but I have been told before in regard to how many times these county agencies have inspected. The statement was made at many meetings that unless they had 10 calls or complaints, they did not go near there. So when they got 10 calls then somebody called somebody and out they went. And I would suppose they would say now we have 10 calls, now we've got complaints and they would tell them about that and it didn't seem that they got to the source of why the complaints were being made. Then they would go back again; they'd get another 10 calls. That's why the calls increase. Finally people knew that they had to call, they had to complain or these inspections were not going to be made. It's the old greasy wheel syndrome again. I mean, the more you complain, that's the only time that you get noticed so HELP Committee has really hit somebody in the head and we are paying attention to this and I think it's unfortunate that we have

had to go through this, that they have had to go through this, but the most important part is that it's at the point in time where something is going to be done and, Assemblyman Calderon, I just want to emphasize I feel that again there is a need for one authority to be in charge and funnel in all the information so that we can get all this on record and that something can be done across the board. Thank you very much.

CHAIRMAN CALDERON: Mayor Davis, thank you for your comments. I would like to ask you just two questions. Monterey Park has some jurisdiction over the operation of the landfill by way of their issuance of a permit?

MAYOR DAVIS: That's true.

CHAIRMAN CALDERON: And if you find that the abatement order--I'd like to pose the same question that I posed to Councilman Almada, if you find that the abatement order simply is not working as required by its own terms, would you then support taking whatever action that you could through the authority vested in the city of Monterey Park toward addressing the problem of closure?

MAYOR DAVIS: Absolutely. There would be no other recourse. I do have to add that I really feel that this abatement has to work because the eyes of a lot of people are on that particular area up there and I really feel that it will work. I just want to say that we have been under pressure many times to say, well, we all are generating garbage, where are we going to put it? We should have been

dealing with this problem a long time ago. The country of Japan and Europe have dealt with this problem for many years. You don't find these garbage dumps over there because they don't have that kind of land to give to it so there are alternatives I think that must be looked into immediately. I think we need help not only from the county and the state, but I think this is a federal problem here that we have to find alternative sources for dumping and disposing of this waste. And I think the state of the art is improving and I think that there will be alternative ways to deal with the problem.

CHAIRMAN CALDERON: Thank you and I have a further question. Is it possible that the City of Monterey Park can offer some assistance by way of inspection of the landfill? Would you explore that with the Council? It seems to me that we do have commitments from state agencies, but it may well be that it will be useful for an inspector from the City of Monterey Park to become involved in that process. So, could you check into that and see if that's possible?

MAYOR DAVIS: Yes, I certainly will. I had made the statement at a public meeting that I felt actually the City of Montebello would be an ideal monitoring agency. They have the interest there and I have been informed that they have the expertise to do that, and I certainly think they would do a good job. However, if the City of Monterey Park can be of assistance in this regard, we certainly would be willing.

CHAIRMAN CALDERON: I don't think that the City of

Montebello has any jurisdiction or authority under the abatement order to be able to deal...

MAYOR DAVIS: No, they did not give them that authority at all.

CHAIRMAN CALDERON: Thank you very much.

I have a letter here from Councilman Lily Chen who was absolutely unable to be here, and she would have, I know, if she could have. But there is a letter here that was going to be read by Pat Rush, but in the interest of brevity, I would like to simply enter this letter as an official part of the transcript, if there is no objection.

I'd like to call upon Councilman Bill Molinari and City Administrator Joe Goeden and his representatives. I believe they wish to testify. Because of the lateness of the hour, if you could keep your comments brief, if you would not repeat testimony that has already been given, that would be appreciated. We have a few more witnesses from the community, if they are still here and that will be all. Please state your name for the record and your affiliation.

COUNCILMAN BILL MOLINARI: Thank you Mr. Calderon. I'm Bill Molinari, a City Councilman for the City of Montebello. I've quite a close association with this problem for the past three years, both as a former co-chairman of the HELP Committee and now as a City Councilman. This has probably been one of the most frustrating experiences I think I've ever had in my life. I found a great deal of difficulty

in reconciling the problems that our residents are faced with and the lack of some effective enforcement on the part of the various agencies in dealing with this problem. I think that there has been a very definite degree of violation admitted by everyone involved by the operators over a long period of time. Yet, nothing has been done that has brought this to a conclusion.

We are told now that this abatement order is the solution to all the problems. I personally am quite skeptical for the simple reason that the same agencies who have failed to enforce the regulations over the past eight years are going to be charged with enforcing the regulations now. I would like to know what is different now that they have another signed piece of paper and what is going to give them more capability, more competence or more incentive to enforce this than they had in the past.

There was an abatement order in 1978. There was a cease and desist order by the County Health Department in 1981. There's been numerous violations and fines paid into the municipal courts in Alhambra over the years for violations of air quality and other regulations. Why, now, are they all of a sudden going to have the ability to enforce this? The representatives of the Air Quality Board, or agency, indicated that the City of Montebello had input into that abatement order. All the recommendations, all the requests that we made were virtually ignored. The draft copy that we received of

that abatement order was with the exception of some very minor changes, adopted as it was written by the attorney for the Air Quality Board. There were a number of very important points, including inspection rights, that the City of Montebello requested and was denied. We didn't feel that allowing us to have a member of our staff go up there and inspect would cause any problem. We weren't asking to have enforcement rights, just to inspect. What are the agencies afraid of? Why don't they want an independent inspector for the City of Montebello on that site if they are so conscientious about bringing this into compliance? Why are they concerned about us having an independent inspector up there?

We requested a performance bond so there would be incentive on the part of this operator who has again, a long history of violations to comply with this order. If everyone is so sincere about complying, why is there such strenuous objection to the inclusion of the enforcement bond? No one acknowledges the leachate problem doesn't exist. It's virtually out of control. This gooey material is bubbling up in the public park in Montebello and other areas of the landsite boundaries, and yet they are going to continue to dump liquid waste up there. Our plea was at the very least, they should be ceased until they were able to bring it under control. This was not granted to us.

CHAIRMAN CALDERON: I understand that the representative from Operating Industries has indicated that

there are no hazardous wastes being dumped there and we have a commitment by Mr. Hinton, I believe, to do a study to determine that as well. But I realize you are talking about liquid waste. I'm sorry I interrupted you.

MR. MOLINARI: We're talking about leachate, which is from a layman's standpoint, a gooey black, smelly, oily substance that bubbles up from the ground that you wouldn't want your children, nor would anyone else want their children, to have to play in or touch or smell or look at. A very, very unpleasant material. It won't kill you, it certainly is unpleasant to breathe and unpleasant to be around, it shouldn't be there. It's a violation of the ordinances and yet this is allowed to exist.

We requested immediate closure from the standpoint that, again, because of the history of violation, why not close this facility, if not permanently, at least until these people are able to demonstrate the ability to control these problems; the migrating gas, the leachate, the odors. There is supposed to be monitoring, ongoing monitoring. These agencies were charged prior to this abatement order, there is nothing in that abatement order except the reiteration of the requirements that they are supposed to be adhering to. And yet, when we discovered explosive limits of gas within the residents' homes in the City of Montebello, it wasn't detected by any public agency or the engineer for the dump operator. It was detected by our fire department, and we had to notify

them. Where were the monitors? Where were the people that were supposed to be looking after these problems? And yet, they expect us to believe that these same agencies are going to now enforce these regulations that they quite obviously haven't enforced in the past.

They say immediate closure won't do any good. I will defy anyone in this room to tell me how you improve a situation where you have a smelly mountain of garbage and you're going to make it smell better by making it bigger. (applause) It would seem to me that the logical thing to do is to close that thing down to daily dumping and have this operator concentrate all of their effort on clearing up the violations and the problems.

What I ask the Air Quality Board attorney what the procedure was, if it were a factory or a violator polluting and they issued an abatement order, I said how many chances do they get before you close them down. He said, hey, they only get one bite out of the apple. So I said, in this situation here they've had so many bites out of the apple, all that is left is the apple core. Yet they are still operating.

It was stated by members of the Air Quality Board they didn't want to do anything that could be construed as punitive against Operating Industries. I firmly submit that that's exactly what should be done. We have thousands of residents that are complaining and suffering from the effects of this landfill, and yet, no one sees fit to do anything

punitive against the people that are causing it. And I can't understand that.

We heard hours of testimony here on the details and the engineering and the technical terms, but what this really comes down to--the bottom line is people. People that live on a daily basis. This isn't a weekly or a monthly occurrence, it's something that people live with day in and day out. You go up to your home and that odor is there hanging in the air night after night after night. The visual effects of that barren hill behind your home are there day after day, it isn't something that goes away. People are subject to this on a daily basis, and yet, no one seems to feel that it should be shut down. I don't wish to dispute Councilman Almada's remarks, but I feel the City of Monterey Park has been very negligent in their responsibilities. They can delegate their authority to whomever they want. They have the primary responsibility. They created that monster. It was licensed and permitted. They granted the height increase. They put that thing up another 100 feet, which makes it a landmark that towers above everything in the surrounding area. They can delegate, but they still have the primary responsibility to make sure that the people that they delegate to are doing their job. And that, quite frankly, hasn't been done or we all wouldn't be sitting here today.

This is the feeling and then why those of us that have been involved in this thing are quite skeptical about the

ability of this abatement order to resolve the problem. I don't think that people should have to continue to suffer with this problem. But if closing that landfill won't mitigate the problems totally, at least it will begin to minimize them. It's a starting point. It's some place where you say we can begin from here and then reduce the problems from there. But there is an odor from the daily dumping; there is an odor from the leachate. By continuing to dump liquid waste up there it enhances the leachate; it enhances the gas migration. And yet, these things are going to be allowed to continue with the promise and the hope as we've heard expressed here. We hope it's going to work. But I'd like to have one of these professionals here put their reputation on the line and say that I'll guarantee this will work.

CHAIRMAN CALDERON: I'm going to go out of order right here. I share your feelings. I share your frustration. And I'm going to ask the Air Resources representative to respond. Why is it better to leave the landfill site open? Why not just shut it down now and require everything that we've been talking about to go into place?

MR. CAMARENA: The interest of the Air Quality Management District is not particularly to close or to keep the dump open. The interest of the Air Quality Management District is to address the problem in the most expeditious manner. After listening to the evidence that was presented to us, to the Board, to our hearing board, in many, many hours of

testimony, the evidence from all of the experts, whether they were from the regulatory agencies or the consultants, was rather unanimous that the major source of odor are the gases that are being generated from within the landfill that are outgasing from the slopes. Without controlling that you have nothing. The daily dumping, the odor of that is not of the same character and nature as the odor of the gases that come out from within the landfill after they've had an opportunity to digest and decompose. The odors are there in the daytime; are there even stronger in the evening. They're there on weekends.

CHAIRMAN CALDERON: Okay, you're saying that the dumping is not the problem, it's the decomposition that's the problem?

MR. CAMARENA: That is correct.

CHAIRMAN CALDERON: But the question has been raised. You certainly can't make the problem any better by continuing to lay mounds of garbage on top of one another. How do you respond to that?

MR. CAMARENA: Initially, and I don't recall at this point, the time that the landfill was scheduled to close, but we did get a much earlier closure date. In the interim, the abatement order does provide for additional controls of the daily dumping so as to further minimize its impact on the community. The daily dumping does not have an impact on the odors off the premises on that day. The odors that the

community is subjected to are the odors of the landfill gas that is being generated from within the site. The abatement order does address a number of things to prevent odors from the daily operation.

CHAIRMAN CALDERON: I realize that. Let me frame the question again. What is the approximate tonnage deposited in that landfill per day?

MR. CAMARENA: I don't know, but I think the answer you're looking for is what percent increase in the overall amount of material will ultimately be deposited...

CHAIRMAN CALDERON: No. Well, it could be discussed in terms of percentages, but it seems to me, Mr. Molinari, you gave me a statistic about the amount of tonnage a day. Was that seven garbage trucks? Do you recall what that statistic was?

MR. CAMARENA: Okay, Mr. Danzig tells me 2,000 tons a day.

CHAIRMAN CALDERON: What's that?

MR. CAMARENA: Two thousand tons a day.

CHAIRMAN CALDERON: Alright, so 2,000 tons a day, 30 days a month, over 20 months. That is what will be there in approximately 20-22 months when the landfill is scheduled to be closed. Now, why doesn't that amount of additional tonnage, in your estimation, not add to the problem?

MR. CAMARENA: It will add to the total amount of gases generated. There is no question about that. The

abatement order and the ultimate closure plan provide a system for controlling, collecting the gases and controlling the odors.

CHAIRMAN CALDERON: So in other words, you don't think it will make the problem better to... in other words, I'm trying to get at your rationale, or the rationale of the board, I don't care whose rationale, but somebody's rationale. There must be some thinking that went into this abatement order, and one of the issues that has been raised is, how does it help anything to add 120,000 tons over the next 20 months? In other words, why not stop that and still implement all the gas recovery systems and migration control and odor control that's been proposed?

MR. CAMARENA: I think we addressed it from the other standpoint. What are the things that are necessary to be done in order to take care of the problem? And those are the things that were incorporated in the abatement order.

CHAIRMAN CALDERON: It's your estimation, then, that it doesn't, in any significant way, affect the problems that exist at that dump to allow continued dumping for the next 20 months. Is that your statement?

MR. CAMARENA: It will add to the amount of gas ultimately generated. The abatement order provides a system for control. I don't think that there will be any perceptible difference in the ultimate result.

CHAIRMAN CALDERON: Okay. So what message, then,

are you communicating to the industry?

MR. CAMARENA: The message we're communicating to the Operating Industries is that we will enforce the terms of the abatement order to the letter. As I had indicated in my earlier testimony, we had indications earlier in the week that they may not make the April 15th deadline. The abatement order says April 15th, not April 16th.

CHAIRMAN CALDERON: What I'm still trying to get at, it seems to me, the message that goes out to the industry is that it can continue to violate laws and still operate.

MR. CAMARENA: No.

CHAIRMAN CALDERON: Isn't that the message?

MR. CAMARENA: No, that is not.

CHAIRMAN CALDERON: Well, tell me, there must be some rationale for the board not to have required immediate closure.

MR. CAMARENA: There was no evidence presented to the board that suggested that immediate closure would improve the situation.

CHAIRMAN CALDERON: Was there any evidence to the board that it would work in the opposite manner, that it would hinder the problem?

MR. CAMARENA: Not to my knowledge. I think the other consideration we all have to recognize is that this was a stipulation.

CHAIRMAN CALDERON: Alright, so...

MR. CAMARENA: Had we proceeded, let us say that there might have been evidence suggesting that there would be a significant improvement. Suppose we had proceeded and suppose O.I.I had opposed, we might be in litigation for quite some time. The situation today is that phase II, III and IV of the gas migration system is in because we have got the abatement order in and it's going, and we don't want to do anything that will further delay control.

CHAIRMAN CALDERON: So, it is your estimation that to force closure, as opposed to agree to closure, and subsequent monitoring would have resulted in closure of the landfill a lot sooner as opposed to being tied up in litigation in court.

MR. CAMARENA: One never knows what might happen. However, I should point out that the City of Montebello does have some action to close the landfill and that action has been delayed.

CHAIRMAN CALDERON: That action has been delayed?

MR. CAMARENA: Ours has gone forward in a much shorter period of time and has presented results.

CHAIRMAN CALDERON: Do you see any connection between the delay of that court action and the imposition of your abatement order?

MR. CAMARENA: I think certainly that the judge took into consideration the fact that the knowledgeable responsible agencies were working together at the time and that there were

indications that that would result in something that would take care of the problem and certainly that weighed on his mind when he made his decision.

CHAIRMAN CALDERON: So, the answer is the increased dumping will not add significantly to the overall problem and given that assessment on your part, it was better to have an order in place that absolutely could be enforced that called for the closure in '84. Is that your answer?

MR. CAMARENA: That is my view.

CHAIRMAN CALDERON: All right. Please continue, Mr. Molinari, with your statement.

MR. MOLINARI: I would take exception to one statement that was made regarding the fact that the board wasn't given any substantial evidence to indicate that immediate closure would be beneficial. I think quite the contrary, there was a good deal of information given to the board that would justify closure. It's my feeling that if this matter ever had gone to court, I think a judge would have ruled that a nuisance did exist and would have considered closure as a very viable means of resolving that problem.

I think that to say that closure would not mitigate the problem is just not looking at the facts. If you stop the daily dumping and cover that area, you're going to eliminate a percentage of the odor. If you stop the leachate, or the liquid waste, you're going to eliminate what ultimately is going to become leachate and again, eliminate a portion of

that odor. If all the efforts of getting oil could be concentrated on putting in additional wells and increasing gas production, that is going to have an effect on the gas migration and the odor.

There are a number of things that could be done if that landfill weren't operating on a day-to-day basis. The fact that the odor increases on certain days because the system is shut down because of damage to those wells by equipment up there indicates that it does hinder an effective means of permanent control of that problem. There's no question in my mind that--I don't care if it improved it 50% or 10%--there is no question in my mind, I don't think anybody will deny the fact that if you close that down and began implementing these various regulations that there would be a perceptible increase. It may not be a tremendously large one, but any increase would be a welcome relief to the people who live with that. But the main reason for closure and the main concern that I have is the potential health hazard of that landfill. There have been numerous indications that people are being made ill by this.

CHAIRMAN CALDERON: I believe we have commitments from Air Resources Board to start monitoring for toxics in the air. Also, we have commitments from the Water Quality Board that they are going to start monitoring in terms of the water supply. And I think, on the part of Mr. Coffee, we have at least explored the possibility, which I intend to follow-up

with him on, to try and determine the health hazards. He has determined with respect to just the odors and the burning sensation that there is no health hazard, but I intend to explore that. One thing I think is significant so far today is that we have received commitments from these agencies, as well as from the Department of Health Services, to start monitoring for those kinds of health dangers--not to diminish the importance of discomfort, but which really go beyond whatever the area is for discomfort and goes into carcinogenics and those kinds of subjects. At least to the extent of that issue I think the jury is still out. There has been no determination up to this point in that area, and I hope to get something significant. At least a significant determination that there is or there is not a hazard.

MR. MOLINARI: That's exactly right. I'm not suggesting that there is a definite health hazard; I'm suggesting that there's a possibility of a health hazard by the number of people who have complained of symptoms that they attribute to the landfill. Now, if I go down here to the local hamburger stand and get sick from eating something over there, I will guarantee you that the Health Department will send people in there to determine what was the cause of that and remedy that situation. We had a situation in East Los Angeles College where, based on what they called mass hysteria, a number of people said they were ill from drinking Coca Cola or something that was served in that stadium at a

football game. The Health Department descended upon that with a large number of people to determine what the full extent of the problem was.

Here we have a situation where we have hundreds of people complaining of symptoms and Mr. Coffee will sit here and say that it doesn't affect their health, but he has no scientific evidence to back that up. And all we're saying is that when you have that many people complaining, that someone should make a definitive health study. At least the people are entitled to the peace of mind to know that it may smell terrible, it may be obnoxious and upsetting, but at least it's not having any permanent effects on your health. But I think as public officials, and I have a very strong feeling of responsibility in that area, that my primary responsibility, and you made that statement in your opening remarks, that that is our primary area of responsibility to the people, is their health and safety.

I think there is evidence of a health and safety problem here that has not been addressed. Although the School Board requested that problem be addressed, I requested that it be addressed in a meeting with Supervisor Edleman and our staff. We have brought this up before the Air Quality Board. We have asked every agency that has jurisdiction. In fact, the City of Montebello is exploring the possibility of doing it on our own through the facilities at USC. But we feel it is the responsibility of these enforcement agencies who are

charged with the health and safety of the people in this area in the State of California to follow up with a health study and at least give us the satisfaction that there isn't a serious health hazard there. And if nothing else comes of this hearing, I hope that we can have that assurance that that will be done. I don't want to prolong this too much longer. I'd like to turn the microphone over to our City Administrator and he has some remarks he'd like to make.

CHAIRMAN CALDERON: Thank you, Mr. Molinari. I share your concerns. I will make whatever data relates to what issue available to you. And I thank you. I would want to ask one question. We have had commitments to some extent on the part of Monterey Park officials. We've had statements about working together with Montebello. I realize there's some history involved there. And what I would like to see in coming out of this hearing, that we get a commitment from the City of Montebello to work as much as is reasonably possible towards cooperation in addressing this problem. Are you willing to subscribe to that?

MR. MOLINARI: Well, I have not the authority of speaking, obviously, for my full Council. I can only speak for myself as a member of that Council and we have never had any objection to working with anyone who had a sincere desire to have this problem resolved. Our feeling is that we went to the City of Monterey Park. We took the initiative. The HELP Committee, the city of Montebello, our representatives...

CHAIRMAN CALDERON: I realize there's a past, but what I want...

MR. MOLINARI: I'm talking about the immediate past, Mr. Calderon, and there was no receptiveness, no sensitivity to our problem.

CHAIRMAN CALDERON: Alright, well I hope...

MR. MOLINARI: And unless...

CHAIRMAN CALDERON: You're not answering my question.

MR. MOLINARI: Well, I am attempting to give you the feeling on our side of this matter. They throw this out. Let's get together and talk about it. But we go to talk about it, nothing comes that offers substantial relief to our people. You saw the photographs. At the very least there could be a--up there to not make those trash trucks visible and to help eliminate some of the noise problem. Why hasn't the City of Monterey Park done that if they're so concerned and so sincere with helping us to mitigate these problems? There are a number of things that they could do to show their sincerity. Words are very easy and all the assurances are fine, but let's see some substance to that. Let's see some movement in that direction and I will be more than happy to sit down with them and discuss ways of doing it. But there has to be some sincerity and certainly some commitment, some evidence that they want to do more than just make statements in public that sound good, but when it comes down to substance, it's not there.

CHAIRMAN CALDERON: Well, I'm going to ask the two city councils to get together at some future point and I hope that I don't detect in your voice an unwillingness to attend that meeting. And I'm sure I don't. But thank you, Mr. Molinari, for your comments.

MR. JOE GOEDEN: My name is Joe Goeden and I'm the City Administrator for the City of Montebello. You've asked me to make this brief so I guess I can't read my speech. There's one thing that has consistently come up through all of this that I know that the City of Montebello wants to clear up. The homes that were allowed to be built in the proximity of the landfill site are basically--we couldn't stop that once the process got started. We approved the tentative maps on those homes in 1972 and 1973. We had no idea that the landfill was even considering a height increase request. Once you approve a tentative map, as I'm sure you're aware, you try to stop them if they come in with a final map approval, and you used to pay a lot of money.

CHAIRMAN CALDERON: I appreciate your comments and I want you to clarify this from the City of Montebello's point of view. I don't share necessarily your opinion. I think it's always the responsibility of government to take action. But I understand that. Who cares if you lose or not, at least he made an effort to do it. And I'm not so sure that you couldn't have gotten the court to agree given the circumstances. But, I do understand it's important for you to

clarify that from the city's perspective.

MR. GOEDEN: I understand what you're saying but there's a couple of things. You're going back to 1975. I've been in the city for 10 years, not always in the position that I'm in now, and I can tell you today that I know a lot more about dumps than I ever thought I would when I chose this profession and more than I ever wanted to. (laughter)

CHAIRMAN CALDERON: I think there are a number of people in here that share your feelings.

MR. GOEDEN: What's happened is the map on the wall to give the illustration. You go back to the early '70s when the landfill's height was going to be in close proximity to the surrounding grades. You go back to the early '70s when occasionally there was odor problems, but they weren't that severe and you were counting on the closure with several feet of clean dirt put on top of it, you couldn't depend on maps. Then you find out that the height's going to go up. We didn't know any more about the impact of that than some of the regulatory bodies in the City of Monterey Park, that a lot of the heights go up. There obviously had to be leachate in that dump site before the height increase. The only difference is that it went underground. Now you've got it, it's a mountain, it's still trying to go down and out and it's not coming out where we can see it. We didn't anticipate that and I don't think, quite honestly, that the City of Monterey Park anticipated that. We do have, we're obviously very

sensitive to that issue, and every time we hear it I think there's twinges that go up our backs.

Some of those homes were already under construction when the height increase issue was being fought. We could have cancelled it, I guess, but I think to a certain extent, you do, when you don't have the technical expertise yourself, you do listen to our people too. Well it shouldn't be a problem because we're going to do these things to correct those problems, to mitigate those problems. But that's almost immaterial because as it's been said earlier, I personally live on Madison Avenue in a house built in 1909 and I get the odor from the dump. And I think that my house was there first.

CHAIRMAN CALDERON: All right, now Madison Avenue, for the record, is a considerable distance from the dump?

MR. GOEDEN: Yes, it is. That was one issue that I was going to attempt to clear up and I understand that not everybody agrees with me on that. I think another one that's important, and it has been mentioned before so I won't go into some of the detail I had planned on, the...in the City of Montebello and county.

CHAIRMAN CALDERON: I think we better close this up real quick. I think the attention span is deteriorating rapidly. (laughter)

MR. GOEDEN: We started getting into this obviously in 1975 and frustration is a very mild way of putting the way we felt. You go to a body that you thought was the regulatory

body and they said, "Well, now I can take care of this and look into this for you but for these other five issues you have to go to three other regulatory bodies." It got extremely difficult. We finally got to the point, at one point when the HELP Committee came to us with a petition signed by a thousand people, and they were only allowed one signature per household, that the Mayor did a letter and just to make sure we covered all the bases, I think we made 15 copies and sent them to 15 different agencies just to make sure we covered all the bases, including the Governor. That problem is one that I think can only be resolved in Sacramento. And the statement by Ms. Davis was that the buck has to stop someplace and we have to know who we can go to to solve the problem.

Another problem that kind of comes into that and it does deal with the people in the regulatory bodies, and although I don't like the term, I guess I'm a bureaucrat too trying to enforce regulations on private developers. The dump operators are regulated by public agencies and when a problem like this crops up, and you've been regulating that dump site for the past two years or so, you're not going to be one of the first people to jump up and accept responsibility for today's problems. And it's human nature to get defensive about that. The regulatory bodies maybe shouldn't be the ones that determine public nuisance. Somebody that doesn't have to try to defend what I've been doing for ten years and now

nuisances are occurring because of that. Maybe somebody else can determine the nuisance.

There is one other point I do want to make and then I'll finish. When all this was going on back in '75, and Montebello has taken some heat and a lot of it has been talked about we did that because of our economic self-interest. We built homes, we increased property taxes, our new residents bought things in our city, we obtained sales tax; but there is another aspect to this that I don't know if it's been clearly identified. The original variance on the landfill included property north of the freeway. It was to be available for a dump site. That property and the changes in 1975 with the height increase is no longer to be used for a dump site. It's now something in excess of 40 acres of prime industrial land. Now, that's fine. And I think, quite frankly, in some respects, Monterey Park did the right thing. They took 40 some odd acres that were going to be used as a dump site and got that to be used as prime industrial land, creating jobs and a lot of revenue, much more revenue than a dump site would have generated. But Operating Industries was going to lose a significant amount of its inventory for dumping. That inventory was the height increase. Monterey Park did a good thing for the residents so it ended up okay. They didn't lose any inventory and they gained prime industrial land for development. I think the only losers were the residents. Those, basically, were the items I wanted to cover.

I would like to reiterate something that was said earlier that this has been, for our City Council, the most frustrating issue I know they've ever dealt with. They've spent thousands of taxpayers' dollars on legal fees, expert technical advice; we're currently considering the USC study which we've been advised is somewhere in the neighborhood of \$29,000. That's not our responsibility, but we're doing it.

CHAIRMAN CALDERON: What will that study do?

MR. GOEDEN: That's the study to find out if any health hazards are coming out of the dump. USC is the one that did the BKK thing. My understanding is that, and I know I heard differently here today, is that they did discover two health hazards. I haven't read the study myself. We're being assured now that the order will decrease our problem. I really do honestly hope that they're right because come September when our continuance is up we can take these guys off the payroll and save that money. Because I hope the problems go away. But I must admit that the people in the City of Montebello, those that are optimistic, are reserving their judgement on the order, and those that are pessimistic are afraid that we're still going to be frustrated and searching for someone to help us get rid of the problem. Thank you.

CHAIRMAN CALDERON: Thank you.

MR. RONALD EINBODEN: Assemblyman Calderon, staff, thank you for giving me the opportunity to speak. My name is

Ronald Einboden I'm a member of the law firm of Oliver, Stover and Laskin, and we have been special counsel for the City of Montebello for approximately the past two years. I will be brief. A judge once told me that no souls were saved in his court after 4 p.m. and I notice that we're not too far from that now. (laughter)

CHAIRMAN CALDERON: Yes, but he was only a judge.
(laughter)

MR. EINBODEN: I understand, and we're approaching 3:30. I think the testimony indicates that all of the people are not here for the purpose of seeking what could be called a pristine environment. But they're asking for an environment that does not disrupt their lives, homes and schools. The problem, I'm sure the evidence has demonstrated at this hearing, is not one or not a result of prudent conscientious action on the behalf of the landfill operator; it's a combination of the history of violations, neglect, broken promises, poor management, lack of enforcement by the various enforcement agencies. I could go on, but I believe the Assemblyman has heard enough to make his own conclusions in that area.

I would like to address two areas, if I may, very briefly. One is the fact that I've heard over and over again today that Operating Industries does not receive hazardous or toxic wastes. I've reviewed Title 22 of the California Administrative Code, and if my review of the Code is correct,

Operating Industries is currently receiving hazardous wastes that are categorized by that Code as toxic. And I think that they've received those wastes as late as this morning. And I'm referring to liquid wastes listed in the California Administrative Code as oil in water, subcategory toxic. With all of the experts here, as well as a representative of Operating Industries, I would like to hear a commitment that number one, they're not receiving any oil water. And number two, if they are, what's going to be done about it? And number three, if they are, why has this been allowed since at least the first of the year when they were directed not to receive any further hazardous waste. I would respectfully ask that those questions be directed by the Assemblyman.

CHAIRMAN CALDERON: Alright, I would like to. You indicated that as late as this morning, illegal waste was being dumped at the site. What's the source of your information?

MR. EINBODEN: I was speaking with Mr. Danzig and he advised me that he was up there this morning and there was a truck with oil in water at the dump site. I asked Mr. Danzig if, in fact, that was a violation of Title 22 and Mr. Danzig checked around with various other experts in the room and came to the conclusion, well that depends; it depends on how much oil is mixed with the water. The Code does not differentiate, does not specify the percentage as far as I know. It says oil in water.

CHAIRMAN CALDERON: Mr. Danzig, can you respond to that?

MR. DANZIG: (Response Inaudible)

CHAIRMAN CALDERON: Obviously there's at least one subject that's been suggested for possible legislation. This is my concern. I mean, if you cannot enforce your own order, then the order is useless. (Applause) And it seems to me that abatement order is futile. It's window dressing. I don't know if this is toxic or not, maybe you would care to express an opinion. I don't care which one of you six gentlemen wants to give the opinion but in whoever's jurisdiction it is, I would like to know if that's a violation of the law. And if it's a violation of the law which is going on at the very same time that I'm conducting this hearing, listening to representatives of the government saying this order is the best way to go, and they're going to enforce the terms and conditions of the order, then, as far as I'm concerned, the order is useless. Would you like to respond to that?

MR. CAMARENA: Yes, I certainly would. One of the things I have learned in my short life is to stay within my area of expertise. I think that no one in this room is an expert on all things. Each agency has experts in certain areas. One of the things that we have committed to, and I know that the other agencies will do the same, the abatement order is very comprehensive and spans many areas of

expertise. When any of us observes and one of our inspectors observes what in their opinion is a violation of the abatement order and if it's not within their area of expertise, we will contact the other agency that does have that expertise to determine whether or not the order has been violated, and we will prosecute that.

CHAIRMAN CALDERON: Well, let me ask, on the abatement order, if you care to respond, or Mr. Danzig cares to respond, on the abatement order, are they supposed to be dumping oil water up there?

MR. CAMARENA: The abatement order does provide that liquid wastes may be deposited. It prohibits the deposit of liquid wastes after June 1, 1983. Perhaps Mr. Coffee, if he's still here, or Mr. Yacoub might wish to add to that.

CHAIRMAN CALDERON: Well, it seems to me then that it is permissible for them to violate waste water standards under the abatement order. Is that true?

MR. CAMARENA: You're asking an air quality expert about water quality, and that's not a fair question. But I'd like to have somebody up here who is an expert on water quality.

CHAIRMAN CALDERON: But you see the problem. Why is Air Quality the lead agency, then? You see? I mean, if they don't have the expertise or the ability to monitor the abatement order then why should they be the lead agency?

MR. CAMARENA: I think you have received commitments

from all of the agencies to make regular inspections of the facility. After discussions, when we got together in November and December, we all explored a way to get all of the requirements and concerns of the various regulatory agencies into one solid commitment rather than to go at it piecemeal. We felt that that would be the most expeditious way of making sure that all the requirements of the various agencies were taken care of. In carrying out the abatement order, making sure that it is properly enforced, the various agencies will have made the commitment to have their experts inspect the facility to determine violations of the abatement order that is within their expertise to determine.

CHAIRMAN CALDERON: If in fact, Operating Industries and again, I still haven't received a definitive answer as to whether or not that particular oil in water combination is permissible under the permit or under the abatement. If in fact they are dumping illegally at the time you are supporting that abatement order, I think it is a mockery of the Air Quality Board, of the abatement order and the whole administrative process.

MR. CAMARENA: I would agree with you that it would be a mockery if in fact there is a violation and if in fact the violation is not enforced.

MR. EINBODEN: If I may respond, sir. I believe I just handed you a copy of the abatement order which in the pertinent part prohibits the receipt of hazardous liquids or

hazardous waste as defined in Title 22 of the Administrative Code. I've also handed you a copy of Title 22 of the Code which says very clearly that oil in water is hazardous and subclassified, at least in the California Administrative Code, as toxic. I humbly submit that that is a violation that has occurred as late as this morning. (Applause)

CHAIRMAN CALDERON: In the interest of clearing up the record, I'm going to ask a couple of questions. I take it that Operating Industries is a hazardous waste facility, is that correct? Is that a true statement? I mean, is this Title 22? You know, the next time I have a hearing, I'm going to bring music. Okay, I'm not going to waste any more time. What I'm going to request is that you investigate, if you would. And you should under the abatement order, whether or not that's a violation under the terms and conditions of the abatement order, and if it is, you should pursue whatever remedies are available under the order and please copy me all documents and correspondence related to that. And, we won't take any more time now. Okay? (Applause)

MR. EINBODEN: Briefly along the same line, sir, I'd like to offer yourself and your staff photographs which depict what has been called leachate during the day. The photographs were taken in January of this year by Mr. Richard Caley, President of Ralphstone and Company and they were taken in Iguala Park on Iguala Street. They demonstrate the existence, as of that day, of leachate. If you look close at some of the

photographs you can also see bubbling gas up through the leachate. Samples of the substance that are contained in the photographs were then taken that day by Mr. Caley. They were put in ice and taken at Montebello's request to Truesdale Laboratories where a chemical analysis was performed on four samples. The chemical analysis is contained in a copy of a deposition transcript which I have before me where chemist Clark Loukins lists his findings in analyzing the samples. He tested for arsenic, barium, cadmium, chromium, lead, iron, CUD and total sulfides. The percentages which he found are indicated in the letter dated February 1, 1983 attached to his deposition transcript which I will offer to your committee as well as a copy of Mr. Caley's log of activities of that day which additionally indicates that they ran gas testing at Iguala Park in the area depicted by the photographs and found methane concentrations of between 2 and 24%.

With respect to the issue of arsenic, well, this latest analysis did not find a concentration of arsenic which exceeded EPA standards. Previous analysis of leachate at that facility by Ralphstone and Company, did find in samples tested, arsenic which exceeded EPA limits of 5 milligrams per liter for toxicity, and I would submit for your information a copy of the Ralphstone and Company report dated June 23, 1981 for the Montebello HELP Committee indicating that as of that time, they had arsenic which was a possible health hazard. Perhaps the experts can explain where the arsenic is coming

from.

I had a prepared statement but I know that the conclusions and the arguments will get us nowhere. I have a number of documents that indicate past violations of Operating Industries but I think that's a conceded fact. I would like to thank you both on behalf of myself and my client for the opportunity to make this appearance today and I would be happy to answer any questions if I could, sir.

CHAIRMAN CALDERON: No, I don't have any further questions. I wish to thank each of you gentlemen for attending.

MR. MOLINARI: Mr. Calderon, on behalf of the citizens of Montebello I would also like to thank you for holding these hearings at a time and place convenient to our residents to give them the opportunity of expressing their concerns. Also, not to leave your request about a meeting with the Monterey Park City Council on too negative a note, possibly my remarks appear to be unfair indicating that they were not sincere in their efforts. If I seem a little skeptical, it's because the last time the City Council of Montebello went over the hill to talk to them about the dumping it ended up 100 feet higher. If they are willing to give us assurances that that won't happen again, I personally would be more than happy to sit down and hope that we could through our discussions resolve some of these problems between our two communities. Thank you very much.

CHAIRMAN CALDERON: Thank you, Councilman.

(Applause)

Okay, we have a series of individuals who have yet to testify. I just want to call their names to get an indication if they are still here. I realize that it's gone on longer than I anticipated but then again, that is the nature of these kinds of hearings if we're going to give everyone a chance to talk so that we can have a full discussion of the issue. Is Mr. Douglas Morikami here? Mr. Robert Chu, is he here? Mr. Art Rangel is here. Mrs. Myrtle Iga? Sonia Huey? She's here. Henry Yoshitake is here. Ed Zelek is here. Don Ohashi, is he here? No. Okay, I've heard from Mr. Yoshitake already and I have heard from Mr. Rangel, not that I'm not going to give them an opportunity to talk, and I saw Tom Wong peek over a chair, so what I'm going to do, I'm going to invite Mrs. Sonia Huey to testify at this time.

MS. SONIA HUEY: My name is Sonia Huey and I live at 1601 Via Roma, Montebello. Many of the problems have already been addressed but I'd like to add a few of my concerns. The noxious odor coming from the dump is really unbearable. The smell is usually stronger in the morning, evening and all throughout the night. And when there is no wind, then it's even worse. All the windows have to be closed. In the summertime, it's just so unbearable that you have to keep your air conditioning on all throughout the night. We've been suffering like this, day after day.

I have my house sprayed every three months to reduce the bugs coming into the house. The service representative told me the bugs are coming from the dump and there is nothing I can do about it but to have my house sprayed. These are extra costs that I have incurred which I don't think is necessary like the high electricity bill, the added cost of pest control. Those are just extra expenses that we could do without in today's economy. I've heard that the dump odor does not cause a health problem, which I do not believe. Many of us are affected by it and unfortunately, some of these illnesses, such as cancer, cannot be determined until years later and by then it's too late. We're not only suffering from the dump odor and the methane gas, dust, the bugs, we're also suffering from the loss in property values and the embarrassment of having to explain to your guests, to your friends, what the odor is and why it's there. My last statement is: I've been sent through the hearings time after time after time, and sometimes it gets really disgusting and discouraging. I'd just like to find out if we're going to get this problem resolved, and I'd really appreciate it if you could help.

CHAIRMAN CALDERON: I'm going to--I'll tell you right now--I'm going to do everything I can to resolve this problem.

MS. HUEY: Thank you.

CHAIRMAN CALDERON: Mr. Ed Zelek. Mr. Zelek.

MR. EDDIE ZELEK: Good afternoon. I'm Eddie Zelek. I reside at 1412 Loma Road, Montebello, which is in a direct line with the south corner of the dump, approximately a quarter of a mile away from it. We're the high point of the tract. And at one time we were either a little bit higher or level with the top of the dump, and now it overshadows the entire neighborhood.

I'm glad to see you, Mr. Calderon, because you may remember your flyer in which you stated, or it states, "Charles Calderon favors shutting down local dump sites that foul the air and grow to be eyesores in the community. As General Counsel, Los Angeles Public Works Commissioners, he stopped illegal dumping of toxic wastes in city sewers." So it looks like maybe the buck will stop here.

Now, I don't have to say any more about the leachate and the gas and so on. That's been pretty well covered. I have to catch my breath. I was hurrying in here. I'm a former member of the American Society of Chemical Engineers. Since World War II, I've been involved in all progressive things that we were doing in regard to space. I went from the jet age into the space age and what we're doing right now in very early stages. And in that time, I had much to do with problems in the aircraft plants, in the machine shops and laboratories in regard to noise and dust.

It was just taken as a way of life. But a few years later the troubles began to develop. Some of these men

developed symptoms of problems that actually began with their life in the different shops. And that is part of our problem with the dump. We're getting noises that resemble a construction camp all the time they're operating up there. And I believe that we are being affected by it. It's a silent killer in that respect. It's noisy but it's also doing its work silently. And that is something that we're trying to stop too, by eliminating the dumping completely.

The other is the dust problem. We had that in the shops too. When we were machining all our aluminums and titaniums and different new metals that were developing for the jet age, we began to develop problems there too. We found out that in cutting these metals, in spite of the fact that many of them were cut with coolants instead of being cut dry, they were producing many lung types of problems: silicosis, emphysema and pneumococcus and whatever would result from troubled lungs. So, when we discovered that the dump was as close as it was to our property, which we didn't know before, we began to realize that we were having problems.

Back in 1979, we had six cars at our house. We had bought three new ones and we had three old ones there. Luckily we had a corner lot so we had two in the driveway, two in the front and two on the corner. And they were all various colors. We had actually seven colors of cars there. We had an all blue; we had a blue with a black vinyl top; we had a cherry red with a white vinyl top; we had a light beige; a

dark brown; and a green. And every morning when we came out, we could see the different shades of dust that had settled on those cars. There were fibers, there were powders in all different colors and you couldn't see them on one car but you could see them on another. And that is when I first became aware of the fact that we were also having a dust problem in addition to the others that have already been brought up to you.

And now, the statements made by some of the gentlemen are a little bit ambiguous because they say the dump will shut down in 1984. Well, it will not completely shut down because, I have the order here, the abatement order reads, and this an early draft but I believe that it hasn't been changed from the other, Chapter 26: "The landfill shall be permanently closed on or before December 31, 1984, as a burial or transfer station for all but inert substances such as rock, clean natural earth, sand, concrete, gravel, brick and asphalt." Now, they call those inert substances, which is true, if they're lying on the ground in one place. They'll eventually settle and compact and moisture and other things will fill in with them and they'll be stable. But when they're bringing them up to that mountain and they're dumping them from the height of these big earth movers and so on, and bulldozing them and so on, they are still going to be creating a big problem with dust for all the residents down below.

CHAIRMAN CALDERON: Well, let me ask this.

MR. ZELEK: Yes.

CHAIRMAN CALDERON: Not defending any part of the abatement order, necessarily, but just to ask a question, if they were permitted to dump dirt, gravel, those kinds of substances, wouldn't that help to eliminate some of the smell problem by covering it up with a thicker layer of a...

MR. ZELEK: If they would cover certain areas and keep them covered, fine. But we have no assurance that any area they dump again, and every time they dump they have their bulldozers move the material to bring it to certain areas and this order and I'm sure the final draft does not give a final order for closing the dump. They give the closing only for general trash. But, according to this, they could continue for 20 years and there is no assurance they won't.

CHAIRMAN CALDERON: I see Mr. Coffee shaking his head, "no" and I see Mr. Danzig shaking his head, "no". Since I saw Mr. Coffee first, I'm going to ask him to come up here and explain why that won't be the case.

MR. COFFEE: Well, I don't have a copy of the abatement order with me, but I believe a complete closure as far as receipt of anything will be in 1985.

CHAIRMAN CALDERON: Okay.

MR. ZELEK: I think Mr. Yoshitake had a copy of the latest draft. As I said, this is one of the early ones. And I brought this up at one of our hearings, because we are very concerned with that. We must remember, they are not under any

court orders to do this. This is in the green room, and even right now, the OII has expressed the fact - someone from Air Quality has said he didn't think Operating Industries could meet the dates that they have in the abatement order and would have to ask for an extension. It's in our latest issue of the Montebello News.

CHAIRMAN CALDERON: Who do you attribute those statements to?

MR. ZELEK: That statement was made - that's the attorney Peter Grinwals of the Air Quality Management District. He told this newspaper that Operating Industries representatives have already indicated that they have-- already indicated difficulty in complying with the modified October 31st leachate system completion date, and if that proves true, dump attorneys would file a petition with the Air Quality District hearing board requesting an extension.

CHAIRMAN CALDERON: Mr. Danzig, can you respond to that?

MR. DANZIG: I talked to Willie Lockman and Associates a few days ago and early this morning I was talking to Calude Wendt who is the OII operating superintendent and both of them indicated that they would be ahead of schedule in finishing the leachate control system. There would be absolutely no problem. I got an approximate date of June 1, early this morning.

CHAIRMAN CALDERON: So you expect it in place on

June 8th?

MR. DANZIG: At this stage of the game, I have total expectations that it will be completed ahead of schedule.

CHAIRMAN CALDERON: But, in any event, it will be completed by the timetable set in the order.

MR. DANZIG: Absolutely.

MR. ZELEK: As you can see, that's only one instance. We have no guarantees that they'll come along and say, "Well, it isn't feasible to shut down the general trash dumping at that time. And they have contracts with the dump pickup operators, and they have no place else to go; La Puente is...etc., etc." There's no guarantee that they won't ask for an extension at this time, also. And for this reason, I think the abatement order is only a guide, it's not a court order and there is no enforcement in there, there is no performance bond, nothing to make them say, "Okay, we've got a date to meet, we've got to meet it."

CHAIRMAN CALDERON: Thank you, Mr. Zelek, for your comments, I appreciate them. I was simply looking at whether or not I have the final copy of the abatement order, and I'm going to hand a copy to Mr. Danzig, because I don't see at this point anything that requires closure after 1985.

MR. DANZIG: There is nothing in the order of abatement that has a 1985 date. However, by June 30 of this year, Operating Industries must submit to the Department of Health Services a closure plan and in that closure plan, the

final details of the gravel, the crushed rock, the asphalt, all those dates will be worked out. When the final closure plan is submitted to DOH, all of the regulatory agencies, plus the City of Montebello and Monterey Park will have a comment period to submit to DOH, at which point that date will be accepted. It is expected at this time for myself and my agency that the amount that in your bill that will be received on the landfill will be enough to grade off the top at somewhere around 640 feet for a flat 65 acre site, which will then become prime industrial property or something to be used in this area.

CHAIRMAN CALDERON: Well, okay. I don't see anything - under paragraph 25 of page 12, I see a requirement in the abatement order to submit a closure plan on or before June 30 of 1983, but I don't see - I also see paragraph 26 that the landfill shall be permanently closed on or before December 31, 1984, as a burial or transportation for all but inert substances that are natural earth, sand, concrete, gravel, brick and asphalt. But I don't see anything after that that indicates there won't even be any dumping of dirt until after 1985.

MR. DANZIG: No. The date is not in there because we expect to see that date in the closure plan.

However, everybody, all the regulatory agencies, agree that the more dirt we pile on the top, the more dirt that we put on the sidewalk, and there won't be additional

dirt put on the sidewalk in the very, very near future in some specified area. The more dirt, the more inert material that is packed on that thing, the less gas that'll migrate from the source.

CHAIRMAN CALDERON: Well, I tend to agree with that statement. I was just simply - you seem fairly confident about no dumping of anything, a permanent closure for all purposes after 1985, but I just didn't see anything in the language that would suggest to me that is the intent of the order.

MR. DANZIG: During the draft period, we had something like seven drafts before we finally came up with the signed stipulation and in some of the drafts there was a 1985 date. Somewhere about the fifth, sixth or seventh, the final date was dropped out and with the understanding with the attorneys from OII that the date would be put in the closure plan and that under no circumstances, could they go above 640 feet of grade level anyway, and so it was negotiating to allow the closure plan to have the final date of the acceptance of the inert material.

One thing I would like to add, when we first started negotiations with OII, they were adamant that they would not close that landfill until 1987 and in the negotiations, the give and take, and all of the other problems of putting together an order of abatement with regulatory agencies and their staff attorney and our staff attorney, we finally

negotiated it down to 1984, and I think that it itself is of benefit to the citizens of both communities.

CHAIRMAN CALDERON: Okay, but I think just to clear the record, you are expecting an alternate closure date which would close the dump for all purposes to be submitted as part of the closure plan and that will be submitted in June of this year under the terms and conditions of this abatement order. Is that correct?

MR. DANZIG: That's correct.

CHAIRMAN CALDERON: But although you expect the date, there is - you can't necessarily guarantee that the date will be 1985, is that correct?

MR. DANZIG: Not at this time, no. It will depend on how much inert material is available from the general area, from subterranean excavation, from demolition. It would depend on how much inert material becomes available from the general area. At the present time, I know for a fact that Operating Industries is receiving dirt, gravel, asphalt, any material of that type through their gate and they are not charging for it, because they want it.

CHAIRMAN CALDERON: Okay, so the purposes of that provision is, as far as the South Coast Air Management District is concerned, is to allow the dumping of gravel for purposes of covering up the landfill?

MR. DANZIG: For sealing.

CHAIRMAN CALDERON: Alright.

MR. DANZIG: And also to allow a surface that landscaping could be put on without the gas getting through to the plantings.

CHAIRMAN CALDERON: Let me just comment. I realize that 1985 may have been in original drafts, but it's important that when you make a statement, that as painful as it may be, that that has to be accurate and I assume that you being one of the negotiators for the District.

MR. DANZIG: I will be part of the team.

CHAIRMAN CALDERON: Then you do - can we have a commitment from you that you will negotiate that 1985 closure date for all purposes?

MR. DANZIG: I will attempt to negotiate the closest date. If I can get it below 1985, I will.

CHAIRMAN CALDERON: Thank you very much. Our final witnesses left to call are Art Rangel and Henry Yoshitake and Tom Wong. Let me say this. Is it necessary for you to testify in terms of talking about the problems associated with the dump, or would you rather use the time to come up here for some kind of rebuttal? I'll leave that open to you. It seems to me, I'm talking to Mr. Rangel and Mr. Yoshitake. Why don't you come and each of you testify based on what you were going to testify to in the first instance, and I'll only ask that we not be repetitive because I'd like to conclude this hearing soon.

Mr. Danzig, could you stay here for just a few more

minutes?

MR. ART RANGEL: I have a variety of things and comments that I could speak on dealing with the obvious need that there be some legislation to create a lead agency and so obvious what the problems are here with the different agencies not knowing what the other is doing. I could speak to the deficiencies in the abatement order, the fears, the regulatory agencies, even though they are swarming the dumpsite now, may drift away. Not necessarily because they don't have legitimate desires to solve the problem, but because their staff is such that they've got to spread themselves very thin. I could speak to the repeated violations of the placement of the homes and a variety of things. Mr. Danzig's comments just now raise some question also that I have. In fact, I think I'd rather do that, because the issue is still warm.

You mentioned the closure plan. The draft that I saw, and I think I saw the final draft--spoke of a draft closure plan, not a final closure plan. This is a plan that you think of as typical that we in government when we perceive a plan from someone, it's usually for the benefit of that individual. He wants approval, because he, unless he gets approval, he can't proceed. I don't see that being the case with this closure plan. I don't know what the incentive is for Operating Industries to submit a closure plan that's going to be acceptable to all parties. Is there a date by which

they have to have a plan in place that's approved? Are there other closure plans that have been approved by the agencies? I'd like to have answers--those question answered. And relative to the statement just made that there would be additional soil placed upon the site - my main concern is not so much that there be soil placed on top of the land, but a surface system - collection system is going to capture a lot of the methane gas and with it the odors that were emanating through the surface to the tops and not concerned with the emanation of gases through the slopes. And, though the abatement order spoke of providing a 14 foot vertical soil on the slopes which computes to right around 5 feet at the two-to-one slope that the dump is - that's okay, that probably will help mitigate a lot of the odors coming through and probably will establish the base for future landscaping to take hold. My concern is, what happens when those slopes that were the lower part of the landfill...that we showed, you'll notice the arrows, the orange arrows, indicating methane, there are a lot more of them that are going...that wasn't just by accident, that's probably because that's where the (inaudible) ... testimony given at the Air Quality Management District by the landfill engineer, that there the trouble could be...in depth. Well, that also happens to be the place that is closest to the houses. That's where probably a big part of the gases are emanating. Will there be additional cover plates there to, one, mitigate the amount of odors coming

through, and, second, to establish a base for vegetation to finally take place. I'd like to have those answered.

CHAIRMAN CALDERON: Would you like to respond?

MR. YACOB: I would like to respond to the item on closure, the timing, whether or not we have approved any, and what we expect with respect to Operating Industries. You probably know that, Mr. Assemblyman, that the deadline to submit the first draft in the abatement order is the end of June 1983. I have gone on the record making a kind of estimate what would it take, what would be the procedure to look into a closure plan. Needless to say, that the Department of Health Services will be the lead agency, but I believe this particular case is going to be handled in somewhat the same way we did handle this abatement plan.

I think it's appropriate that we probably are going to end up with a task force and bring the agencies together and conduct a review of that particular closure plan and I think HELP will receive a copy and the City of Montebello will receive a copy and they will be asked and welcome to have their input. With that in mind, I have estimated that we - the Health Department should be getting their first input comments on the draft within two to three months. We should then proceed to - if the closure plan is inadequate, we have to refer that back to Operating Industries, and point out what is still needed to complete that plan. I would believe that by early 1984, we should have a final closure plan. From that

point on, given the closure date, which is December 1984, we must have an approved plan under the law. One hundred eighty days before closure, which means June 1984. I believe we could do that earlier.

That's the deadline with respect to the procedure, and timing and adoption approval of the closure plan. We have adopted the closure plan for a class two landfill in Ventura County, and at this state we are processing another one for class on site, which is Palos Verdes.

CHAIRMAN CALDERON: What is the turnaround time there? Shouldn't there be an effort on the part of the agencies to get in place an approved closure plan so as to meet the indicated closure deadline? That's the ultimate deadline. The more time to close the job, because state agencies take, then the stronger the argument, especially to a judge, that Operating Industries ought to have more time to close the job, because state agencies drag their feet. Now, what are the agencies going to do to prevent that kind of argument from being persuasive to a judge...

MR. YACoub: An excellent point.

CHAIRMAN CALDERON: ...so as to extend the closure date beyond 1984?

MR. YACoub: I believe that the date for the closure is set in concrete, that is December 1984. That is going to put us in a position to divert our effort to review this draft plan in expeditious manner and have it approved earlier, so

that we could get into number one, the actual closure process. But let's not forget that the abatement order is taking care of this interim period. Once the closure plan is approved, from that point on, what we are really talking about, probably additional investment or construction installation on part of Operating Industries, and immediate work that could be done at or after the closure date. And from that point on, what we are looking at is a forced maintenance.

CHAIRMAN CALDERON: Let me ask this, and I'm not suggesting that Operating Industries would do this for one minute, but what remedies are available to you or to the lead agency, the state if the corporation were to simply walk away from the landfill?

MR. YACOUB: I was asked that question before. I really cannot answer that precisely, that's, however, what I gather as part of the - this is something really - probably you are aware of that Assemblywoman Sally Tanner's committee is working on it and I understand, at this point in time, they are considering a so-called southern and non-southern insurance policy or some kind of insurance bond or trust fund that they could use on this landfill closure and forced maintenance. I really don't have the details, but that's a good question.

CHAIRMAN CALDERON: Mr. Danzig, would you like to respond to that question?

MR. DANZIG: I can give you some information based on the conversations I've had with the principals and their legal counsel. There is a flow of cash from the sale of the gas to Southern California Gas. It is my understanding that in the closure plan they will make available a portion of the royalty money that they get from Southern California Gas, put it into a trust fund to guarantee a financial base for the maintenance of the landfill for whatever period of time the State of California requires.

CHAIRMAN CALDERON: Let me ask you this: to your knowledge, are there any laws available to the state that would allow -- in the event that a corporation operating a landfill were to walk away from the landfill simply leaving the assets of the corporation liable for whatever cleanup -- are there any laws that allow a state agency to go beyond the corporate faction to research the personal assets of the shareholders?

MR. DANZIG: I don't know. I don't know.

CHAIRMAN CALDERON: Mr. Rangel, does that answer your question?

MR. RANGEL: Well, the other thing about the coverage, I don't know if Mr. Danzig heard this, but I was responding to your comment when you said there would be additional cover placed on slopes. My concern isn't the slopes up on top. It's the older slopes along the bottom, say the first tier. I realize that there's a problem there with

property lines and you spoke in the abatement order of an impenetrable layer that is very unacceptable to us because you can't put any landscaping on it. It seems like the only method to do this would be to just add additional top soil to that which is already there. Like I said before, that establishes a base for the vegetation to take hold and it helps alleviate the emanating gases.

CHAIRMAN CALDERON: Why don't you pull up a chair, Mr. Danzig?

MR. DANZIG: I've talked to Lockman as recently as this morning, and we talked about some of the planted landscaped areas now where it is known, by their admission, that the side slopes have minimal dirt cover, whatever that means; but it would either be 24 inches or less, and they have agreed now, even though the area is landscaped and has an irrigation system, they're going to tear up that part of the system sometime in the next few months and compact additional soil on it and then replant it and reirrigate it. Art is right. Membranes on the slope will not do it in the event we get another unseasonable rain like we had this year. The water will get on those plastic sheets and the whole stuff will just slide.

CHAIRMAN CALDERON: So you're going to address this problem within the terms of the abatement order?

MR. DANZIG: It is outside of the terms of the abatement order. It is something that we have talked about.

I take it back; it is within the terms of the abatement order because if there are areas on the slopes that we determine there is a migration of gas, we can insist, and we shall insist, that they be torn up. It's Lockman and Associates' feeling that some sheeting can be done on some of the benches which are horizontal surfaces, but on the two-to-one slopes sheeting is not acceptable.

MR. RANGEL: That concludes the extent of my comments, other than to offer you my greatest thanks for holding this hearing, as cochairman of the HELP Committee and as a resident extremely affected by this problem. Thank you.

CHAIRMAN CALDERON: Mr. Wong.

MR. TOM WONG: Tom Wong, former Chairman of Montebello HELP, currently advisor to the executive committee. There are two points I want to clear up here. Earlier, Air Quality said that there were no complaints in 1981, and that's true, because the district attorney's office and South Coast approached us and asked us not to file any further complaints so that they could handle the load that they had. That's because they had a backlog of complaints and the dump operator was filing for changes of venue everytime a new complaint was filed with the district attorney. Number two, was Mr. Yacoub, who related to me back in 1981, late '81, that the water well in the gas company, which is directly south of the dump, was contaminated and that the gas company

was notified not to use it for drinking water, but it was okay for irrigation.

CHAIRMAN CALDERON: Okay.

MR. WONG: Mr. Yacoub, here, told me that over the phone. That was because in 1981, around June, myself and three other individuals went up to the gas company area and we inspected the southern boundary of the dump. It was at that time that we discovered a tremendous amount of leachate that was pouring down from the dump and going into the gas company property. We investigated, we took the samples; those are the samples we had analyzed. They came up with heavy concentration of arsenic. We also discussed this with the guard at the gas company, and he says that every time it rains, it gets unbearable in his shack because the water drains down and goes into the main storm drain that empties out in the Rio Hondo basin. And he has to get out of that shack or else he just becomes overcome by stench. And basically, the gas is there. Well, I called Mr. Yacoub about this, because what they were trying to do is they were pushing dirt up against it to bury it. I called Mr. Yacoub and he went out there and inspected and he told me that that was a direct violation. They were not supposed to bury it, but they were supposed to pump it out. And at that time, he related to me that the water there in the gas company was contaminated. And that the gas company could not use it other than for irrigation.

CHAIRMAN CALDERON: Now, Mr. Yacoub, do you want to respond to that?

MR. YACOURB: Definitely. I think, let me put it this way, that is totally unfounded that I made a statement to Mr. Wong that the gas company well is contaminated. I really think it would be very naive for me to make a statement and sit on my ass and do nothing. Quite frankly, I have never talked to Mr. Wong with respect to ground water contamination. He is correct, however, that he called me about leachate, telling me that they are pushing some dirt trying to cover it, because I indicated to him that surfacing of leachate is a violation and that probably they were doing it on a kind of patch-up temporary basis to try to put the dirt on it. But the follow-up that I did, it was requested from Operating Industries, that that particular wet area, they should immediately punch a hole and try to contain the leachate, which they did.

I'd like to go back to the groundwater contamination issue. The Southern California Gas Company is not using that well for a very simple reason. Naturally the water contains some high concentration of iron, and the only thing which is natural. You could go on Iguala Street today, the area that they are talking about leachate, you could see the orange stain on the pavement, which is another indication that that particular geologic formation at which Operating Industries is situated naturally contains high concentrations of iron. The

water itself contains some iron. The gas company is not using it. They don't have to use it. They have a surface supply system delivered to them; however, the water is used for irrigation purposes. There is no direct contamination or indication of contamination from the landfill into the gas company well. As recently as the last analysis, which I will submit to you, Mr. Calderon, was delivered to us in February.

CHAIRMAN CALDERON: Well, there's a difference of opinion here. It's just important that it was stated. Do you wish to add anything else to your testimony, Mr. Wong?

MR. WONG: Well, I think that unless the water is analyzed there, that is what was related to me.

CHAIRMAN CALDERON: Okay, that's what we are attempting to do here.

MR. WONG: At the same time, I would like to say that maybe the answer to why the agencies in the abatement order possibly did not push for closure has been something that the operators have done continuously. Honestly, I think that the agencies are afraid because the dump operator has already gone on record. He has threatened the City of Monterey Park that if they push too hard, he'll walk away. He has said that to the county. He's probably pushed that upon the agencies that sat together and tried to put together the abatement order as well.

You know, these are not, and I'm going to say it, because I think it needs to be said. The dump operator is not

honorable. He has shown that through his actions. He's pulled millions of dollars out of that dump and he has not done one thing to try to mitigate the problems that he knows are going to come from it. And the agencies have been negligent too, because they have done nothing to enforce them. The county didn't even know that they were ponding water up there, which is a direct violation. Not water; ponding liquid waste. I think since I've moved into the area, I've come across a sinus problem, and I've talked to numerous people and they've come up with sinuses. We mentioned earlier possible miscarriages. We are going to put together a study on that. I was hopeful of having it here today, however, we did not have all the documents back from the people and we want to present that in its entirety, rather than piecemeal at this time.

I want to thank you again for coming out and holding this hearing. Instead of going before one of the agencies, I think we are really getting an opportunity to air our feelings to someone that's unbiased. Someone who's going to look at this objectively instead of in their own interests, to protect themselves because of lack of enforcement, and considering the people for a change. I also happen to be the City Treasurer for Montebello and I work for the people. And I think you stated earlier that you work for the people too. Earlier, when I first got involved in this, I asked Mr. Coffee who he works for. He says he doesn't work for the people. Well

then, who do you work for, Mr. Coffee, yourself? Thank you, sir.

CHAIRMAN CALDERON: Thank you, Mr. Wong. Mr. Yoshitake.

MR. YOSHITAKE: Mr. Calderon, it's been a long day. We appreciate everything that's come in, and your comments on many points. I do have just a few little suggestions you might be able to take back with you. First, I believe we need some kind of, maybe, a supergovernmental body to be a lead agency to oversee all the areas of regulations and codes and this way it will control all aspects of landfills or whatever you have. The testimony today by the agencies shows that the right hand doesn't know what the left hand is doing and this has been most of our problem. Also, maybe any industry that is a public nuisance and wants to build on a surrounding border of a city or a county be made to, maybe, have the adjoining city or county also be a part of the licensing body. Maybe that may help, so that something like what we have here in the back doesn't occur. Where the City of Monterey Park licenses it and controls it and the people that are affected, the city that is affected, can do nothing.

Also, some of the testimony today by the agencies shows that one agency may classify one item or element as hazardous, whereas another agency may classify it as nonhazardous. And an example, I believe, is the South Coast Air Quality Management hearing. We had testimony by agencies

saying that arsenic to one agency is classified as class one, very toxic; whereas to another agency, it's class three. This is part of the problem that I think we are up against. I have 700 signatures on a petition that I would like to turn in to you, all asking for an end to a possible health hazard and, of course, a big blight on our community.

I would like to thank you again, Mr. Calderon, and thanks to your staff, Marta, Rachel. I enjoyed talking with them. We tried to work together on some areas, especially priors, whatnot. And I promised I would keep in touch with your office. And as a parting gesture I would like to give you a gift. It's a bottle of leachate that I picked up five minutes before coming, and this is outside the dump area in a public park. Take a whiff of it. We live with it day in and day out. If you get a headache ... I didn't have the heart to open it when Art gave the exhibit. He said, "let's have some physical evidence with the exhibit," but I didn't have the heart. It's a small bottle, but it does give out some odor, the type of odor that has been discussed all day today. Mr. Calderon, I want to thank you.

CHAIRMAN CALDERON: First of all, I accept your gift. I have to tell you, however, this is the benefit of having Assembly sergeants. I don't need any first hand knowledge what it's like living in the shadow of the landfill. I've been a lifelong resident of Montebello and I lived on Taylor for six years; corner of Taylor and Lincoln.

I think this concludes the hearing. Some closing remarks, I think, are in order, but I'll keep them brief. I don't think there's any question that not only do the various problems associated with landfill have far reaching implications in terms of possible health hazards, and although there is no final word on whether or not there are serious health hazards, certainly there is a tremendous effect on the mental health of the community living around the dump, and that is equally as important as some of the physical problems. In many regards I feel sad because I think that it is an honor to be part of government. But, unfortunately, through the whole series of incidents surrounding this landfill, our government has failed us.

Hindsight is twenty-twenty. I don't attribute bad faith on the part of any of the government officials, local or state, that were involved. Certainly it's easier for me to sit in this seat than for some of the representatives of the agencies to be sitting in the seats that they were sitting in. But I think we've served notice today--and it's unfortunate that it took this long to get a final resolution to the problem--but we've served notice today that this is it with respect to the landfill.

We've got commitments from the state agencies which I intend to hold them to in terms of monitoring on a daily basis and on a weekly basis. I'm a little bit saddened with what would appear to be, at least from the testimony of this

hearing, the lack of regard of the operators of the landfill over the last 40 years. And unfortunately, that's something that cannot be legislated. It's something that you have to feel down deep inside as a human being--just regard for your neighbor.

I have stated my commitment earlier and I will restate it, that I will do everything in my power to resolve the issue. And you have my commitment on that. If it means closing the dump, if it means the abatement order is insufficient, then that's my commitment to you. I want to thank you all for your attendance. This hearing will be transcribed. You can receive copies from my office. I like to think that we all learned something today about the democratic process, its shortcomings as well as its effectiveness. And I want to wish you all a safe trip on the way home. This hearing is adjourned.

* * *

TESTIMONY SUBMITTED BY LILY CHEN

PHOTOGRAPHS

LETTER FROM ASSEMBLYMAN CALDERON

TO: Assemblyman, Charles Calderon

Monterey Park-Montebello Landfill Hearings

Wilcox School- Saturday, April 16, 1983

FROM: Lily Chen, Councilwoman, Monterey Park

179 Barranca Way, Monterey Park, Ca. 91754

Due to a prior commitment, I am unable to attend today's hearing. And I must state that it is with deep regret that I cannot personally be here to commend you for setting up this hearing. It will give the public and professional sectors an opportunity to present their views for your review. I certainly hope that the information you hear today will guide you to better protect our Citizens, our State and the Environment. I would also like to state that the remarks I will make are on my own behalf and do not represent the opinion of the City Council of Monterey Park.

I was elected to the Monterey Park City Council one year ago and was not fully aware of the extent of the problems with the landfill in Monterey Park. The citizens group, HELP, appeared before our Council on numerous occasions, sharing with us the problems of odor, migrating gases, leachate and the nuisance that the dump operation brought to the community. They cited inadequate inspection, monitoring and enforcement which were resulting in ongoing Code violations.

In 1975, the Monterey Park City Council designated the Department of Health Services as the monitoring agency for the Dump. The City was unable to properly monitor on its own because it did not have the trained personnel. As I listened and learned, it became apparent that inspections and monitoring were lax, and that various agencies were not working in concert. On my motion, the City Manager, Lloyd de Llamas, was instructed to call a meeting of all the regulatory agencies responsible for regulating the landfill. Each agency was requested to bring a current status report. For the first time ever, all of the concerned agencies met on December 9, 1982 in Monterey Park. The City Manager subsequently issued a

report on the results of the meeting, which served to confirm many of the complaints reported to us by the residents. I believe that the Stipulation for Order for Abatement and the subsequent hearings and Abatement Order issued by the South Coast Air Quality Board was a direct result of this original meeting.

Monitoring of the operating landfill was fragmented because each of the regulatory agencies operated within their own sphere of enforcement. Little or no communication existed between the agencies. Now we have the Order of Abatement and each of the agencies, including the City of Monterey Park, is finally working together to abate and control the odors, leacheate, gas migration and the general public nuisances.

However, an abatement order can not be used to resolve all of the problems of all the landfills in California until some solution is found to bring those responsible for regulating landfills together in a single agency.

I am making a recommendation to Governor Deukmajian requesting him to establish a single state agency to coordinate all landfill enforcement. A copy of my letter will be provided for your reference and information.

I am also concerned that the City of Monterey Park, in designating the Los Angeles Department of Health Services made no adequate provisions for follow-up which resulted in numerous violations of the Monterey Park City Code.

I see an additional problem, especially for smaller cities who do not have the financial resources or expertise to properly monitor this type of facility. We all know that landfills are needed, but few people want them in their backyards, and it becomes even more difficult when adverse publicity about the Monterey Park landfill or the BKK site hits the headlines. We also know that landfills must be properly managed and we depend upon the owners to cooperate. We are not out to deny them a profit, but we must deny them the right to be public nuisances while they profit. Landfill operators, as you know, are very powerful politically, locally and statewide. Smaller communities in need of revenue are very sensitive to the

business community and need the revenue from this type of facility. As a council member, I am responsible for balancing the communities' needs for business, revenue, residences, recreation, etc. But I am also responsible for protecting our residents against health hazards, nuisances and unsafe conditions. My constituents are made up of residents who are also my friends and neighbors.

The California Waste Management Board has prepared some pamphlets for locally elected officials. The Landfill and Enforcement Pamphlet states, " Local Governments are responsible for keeping California safe and for controlling and solving potential problems before they explode into crisis." and further..."If the landfill is managed by a private company, government must monitor the site and enforce adequate management standards. Through comprehensive planning, careful management practices and thorough enforcement efforts, local governments can ensure that landfills are not a threat to the public's health and safety."

With the Order of Abatement from the South Coast Air Quality Management District, we now have adequate enforcement of the landfill. However, how do we get stronger enforcement in the future? Is it possible for citizens to hold both the regulatory agencies and the Operators responsible if violations occur unabated?

The pamphlet cites the Monterey Park Landfill as an example of the day-to-day enforcement of Local Enforcement Agencies. The landfill has been cited for odors and migrating gas which threatened the residents of the housing tract adjacent to the site. It is probably more correct to state that it was the homeowners who brought about the enforcement by their persistent efforts to communicate to local government. Let us not be misled into believing that the odor problem has been immediately remedied or that the gas migration problem will cease to exist. The problems are a result of years of improper operation. Who knows how long it will take to remedy the situation? It is important that future landfills not be permitted to violate ordinances and regulations. Generations to follow will continue to suffer the consequences of lax enforcement and improper landfill operations.

To begin to really face up to Landfill problems, there must be a commitment by the State of California and its residents that the environment around a landfill is of high priority. The California Waste Management Board must be a more effective arm of

the State in enforcing this policy. Above all, we must be assured that the California Waste Management Board has broad-based representation and is not cominated by those it is regulating. Any elected Official receiving contributions from Landfill operators should not be allowed to serve on any Board because it creates a severe conflict of interest. However, many candidates feel that re-election is more important than protecting the environment.

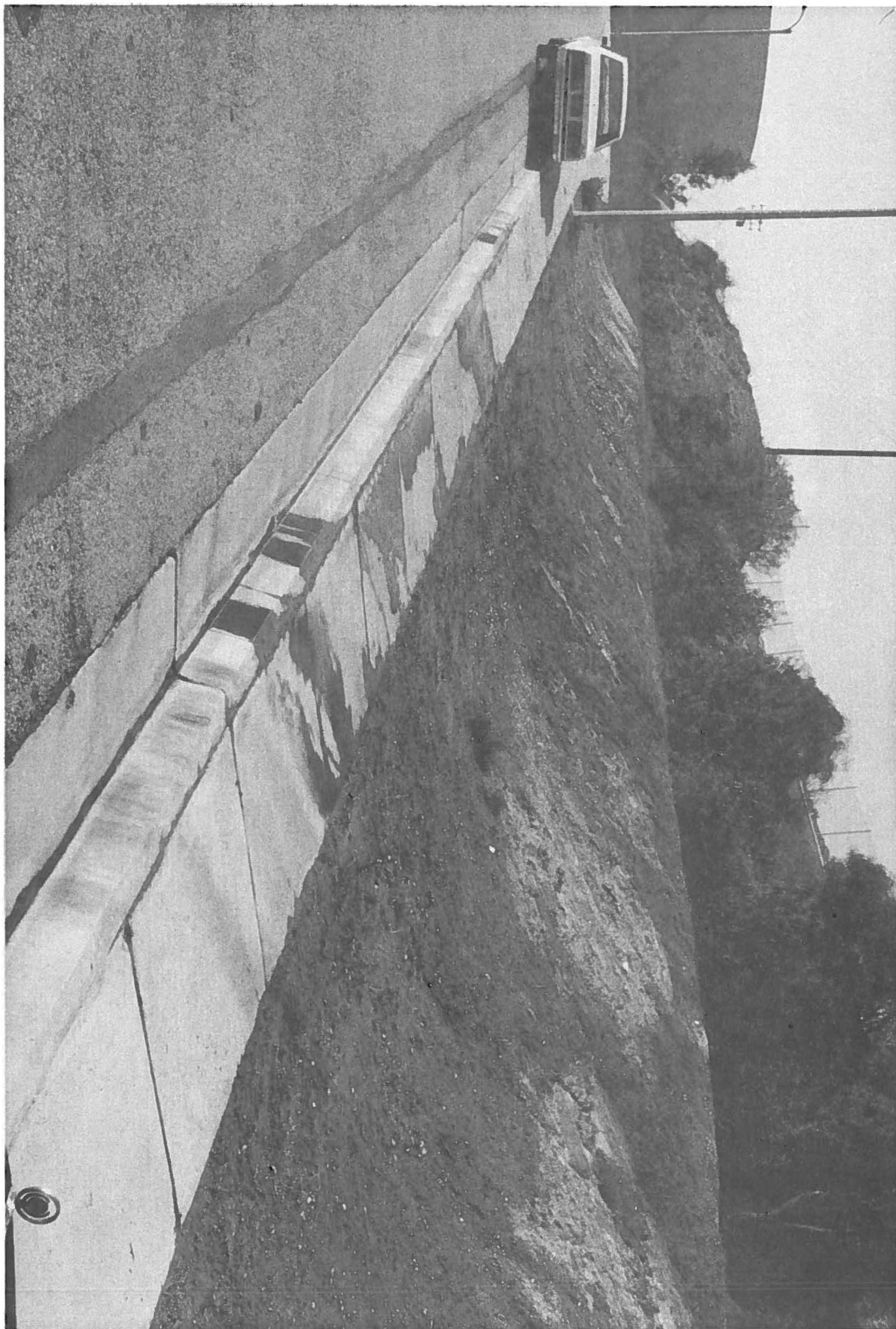
I also believe that the CWMB must implement a system of compliance which is enforceable and provide the enforcement agencies adequate funds for personnel and equipment to carry out this task.

The problem is acute and I feel that we should learn from the past and the present to protect the future. We are inquiring and learning together and if I can be of any help to you, Assemblyman Calderon, please do not hesitate to call on me. I would appreciate being kept informed of the results of this hearing and of what actions you recommend or plan to take.

Again, thank you for the opportunity to make my statement and for holding these hearings today.













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CHARLES M. CALDERON
ASSEMBLYMAN

May 1983

Dear Friend:

As a result of the April 16 legislative hearing I held on the Monterey Park Landfill, we were successful in focusing the public regulatory agencies on dump problems they have avoided in recent years. Several agencies committed to new testing in response to my direction.

Testing by the South Coast Air Quality Management District revealed increasing amounts of the toxic substance vinyl chloride at the landfill. I am now pressing the local Water Quality Control Board, the County Health Department and the State Health Department's Toxic Substances Division to fulfill monitoring commitments they made at the April 16th hearing. I will share those test results with you when I receive them.

In the meantime, I have asked the Air Quality District to shut down the dump, at least temporarily. Until we can be guaranteed that the public safety will be protected, it should not be permitted to operate. Detection of the illegal emissions is testimony to lax enforcement and monitoring by public agencies and the landfill operator's failure to control what is deposited there.

As a legislator, I look at long term changes that need to be made in the law. But with the dump, laws that already exist have not been enforced.

The average citizen gets ticketed for driving 55 miles an hour on the theory that he or she has increased, by a tiny percentage, the danger of having an accident. The lawbreakers responsible for vinyl chloride at the dump have increased, by a certain percentage, the danger to the health and safety of people in our community. Are we to have one standard for dump operators and illegal dumpsters, and another standard for the rest of us?

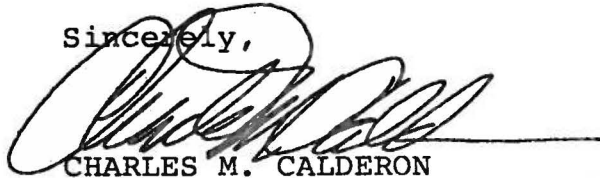
May 1983

Our government has failed in the past to adequately protect us. The responsible course of action is closing the dump until the public can be protected.

I am also co-authoring AB 1832, which would permit local police and sheriffs to inspect hazardous waste haulers and to enforce state regulations prohibiting illegal waste hauling practices. It also increases penalties for violations of state safety regulations. There is evidence that haulers illegally doctored records to dump toxic substances at the Monterey Park Landfill.

I need to know what you think. Please take a moment to fill out and return the enclosed postcard. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles M. Calderon", written over a horizontal line.

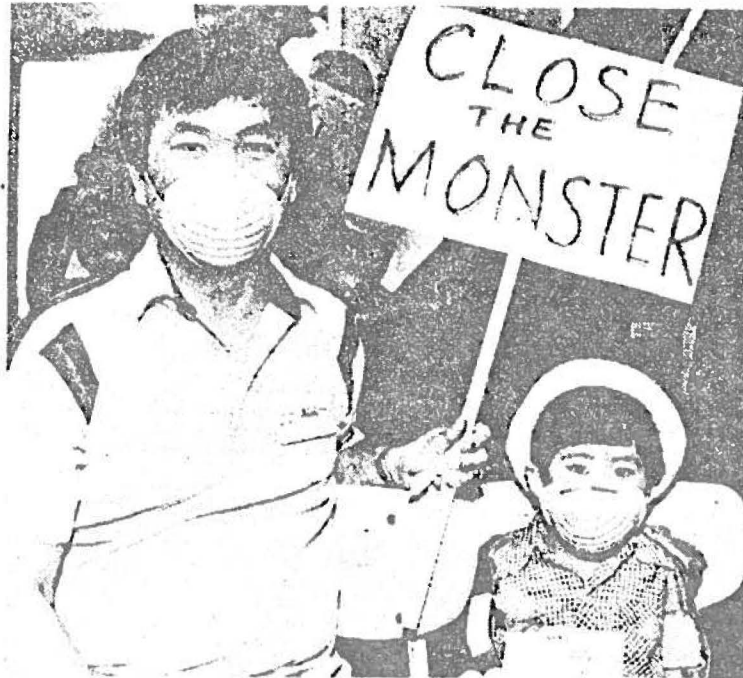
CHARLES M. CALDERON

CMC:hs
Enclosures

Thursday, April 21, 1983

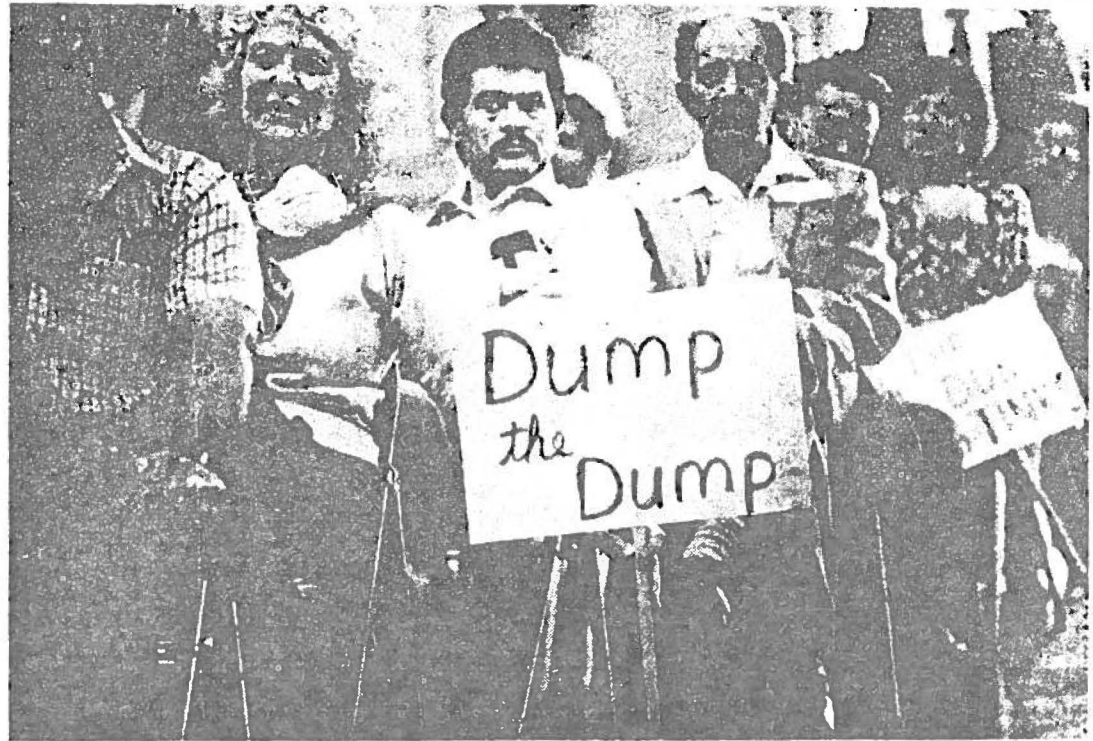
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Part IX



GEORGE SAFIER/ Los Angeles Times

Ekachai Danupatampa and son Irv, above, wear masks at hearing to protest odors from Monterey Park dump. Resident, right photo, displays her opinion.



Government Enforcement of Dump Controls Scored at Hearing

By MELINDA BURNS, Times Staff Writer

MONTEBELLO—What went wrong at the Monterey Park dump?

That is the question Assemblyman Charles Calderon (D-Montebello) tackled at a legislative hearing here Saturday.

After more than six hours of testimony, principally from representatives of the state and local bureaucracies monitoring the 35-year-old landfill, Calderon concluded that there is "little if any dispute" that enforcement of dump regulations "has not been what it should have been."

"I feel bad because I think our government has failed us," he said.

Part of the reason for that failure, he noted after the hearing, is that no single agency has full responsibility for regulating the dump.

"This has gone too far," he said. "It's ridiculous that we had to have seven or eight agencies here today."

Calderon said he will consider proposing legislation to centralize the regulation of landfills under one agency.

In the course of the hearings, Calderon was able to elicit a commitment from the South Coast Air Quality Management District (SCAQMD) to inspect the landfill

three times a week and to send copies of all inspection reports to his office.

That commitment went beyond the requirements of a recent abatement order between the SCAQMD and the dump owner, Operating Industries Inc. The order, which was written by the SCAQMD and the regulatory agencies, sets rules and deadlines for cleanup operations and closure of the landfill's waste operations by Dec. 31, 1984.

Homeowners Skeptical

Homeowners contend that agencies like the SCAQMD have failed to enforce regulations at the dump in the past and cannot be expected to enforce the abatement order.

And testimony at Saturday's hearing showed they may be right.

Ronald J. Einboden, an attorney for the City of Montebello, testified that a truck had dumped a mixture of oil and water at the landfill early Saturday morning. The abatement order, he noted, prohibits dumping of hazardous wastes such as oil and water.

"That's a violation (of the order) at least as late as

this morning," said Einboden, who is representing Montebello in a suit against Operating Industries that seeks closure of the dump.

SCAQMD manager Allen Densig took the microphone to verify that he had seen a truck dump oil and water at the site that morning. But he could not state whether a mixture of oil and water is hazardous.

"It depends on how much oil," he said.

Calderon tried to get an answer from Ed Camarena, SCAQMD director of enforcement.

"Under the abatement order, are they supposed to be dumping oil and water?" he asked.

Outside Area of Expertise

Camarena said the question was outside his area of expertise. "You're asking an air quality expert," he said.

John Hinton of the California State Department of Health Services then walked over to take Camarena's place, amid laughter from the crowd.

"Next time I have a hearing," Calderon noted, "I'm going to bring music."

Instead of hearing Hinton's explanation, Calderon

Please see DUMP, Page 3



Assemblyman Charles Calderon stresses a point.

DUMP: Lack of Strong Controls Scored

Continued from First Page

instructed the experts to look up the answer to his question and let him know later. In the meantime, he had some sharp words for the SCAQMD, which is the lead enforcement agency at the dump.

"If you cannot enforce your own (abatement) order," he said, "then the order is useless."

A state regulatory code cited in the abatement order lists oil and water as hazardous and does not specify proportions.

The homeowners were encouraged by the assemblyman's tough line of questioning.

"It looks like maybe the buck will stop here," homeowner Edward Zelek told Calderon.

Like many of the 250 other homeowners crowded into the auditorium of the Wilcox Elementary School, Zelek had testified at hearings on the abatement order last month. He and scores of others had argued then that gases and foul-smelling odors from the landfill are hazardous to their health.

They came Saturday to reiterate those concerns.

"We can no longer sit back and hope," Hank Yoshitake, chairman of the Homeowners to Eliminate Landfill Problems, said in his opening remarks. "We ask for immediate closure of this blight on the communities of Monterey Park and Montebello."

Affects Montebello Residents

The dump is in the city of Monterey Park but is separated from it by the Pomona Freeway. Odors from the dump are wafted to Monterey Park on an occasional wind change, but mainly affect some 2,500 Montebello residents living in housing developments close to the landfill.

Homeowners contend that their attacks of vomiting, asthma, allergy, respiratory problems and headaches are directly related to emissions of landfill gases and leachates—oily liquids that percolate through decomposing trash. However, no study has been made to determine the source of their ailments.

Calderon asked Charles Coffee, environmental management deputy for the California State Department of Health Services, why his agency had never carried out such a study.

"I'm not a medical person," Coffee answered. "(But the medical people) maintain there is no justification for conducting a health study."

Calderon asked him whether, based on numerous homeowners' reports, he had ever considered studying possible health problems related to the dump.

"It's something to be taken up with the director of the department," Coffee said.

Calderon persisted.

"Who is the one agency that stands up and says,

"There is or there is not a health problem here?" he asked.

"I don't believe our agency would take that responsibility on our own," said Coffee.

Calderon noted that it seemed that "nothing short of" people dying would bring in the public health agency.

"What does it take to get the county in here?" he asked.

Expense, Time Cited

Coffee said that a health study would involve "considerable expense, considerable time," and that it would be "very difficult to get unbiased answers." Still, he said he would look into the problem.

Calderon met with similar problems in questioning representatives of other agencies.

He asked Hank Yacoub, senior engineer for the Regional Water Quality Control Board, why his agency did not test water from drinking wells in the City of Montebello.

"We have no jurisdiction to go out and sample drinking water," said Yacoub.

After continued questioning by Calderon, Yacoub said his agency "could do an analysis" of the wells.

And in response to questions on monitoring underground methane gas, which has migrated into homes near the dump, Camarena told Calderon that his agency has jurisdiction over the gas only after it hits the air. The California Waste Management Board has jurisdiction over underground methane, he said.

However, the SCAQMD did promise Calderon that their inspectors would visit the dumpsite three times a week to check the air.

The long hearing ended as Yoshitake handed the assemblyman a petition with 700 homeowners' signatures calling for "immediate action to protect the health and well-being" of families near the dump. Along with the petition, he also gave Calderon a bottle of goeey leachate as a "gift."

"Take a whiff of it," Yoshitake urged. "We live with it everyday."